STATUTORY INSTRUMENTS

2007 No. 2489

ANIMALS, ENGLAND

ANIMAL HEALTH

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

Made - - - -	*24th August 2007*
Laid before Parliament	*28th August 2007*
Coming into force - -	*11.00 p.m. on 24th August 2007*

The Secretary of State is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the Common Agricultural Policy of the European Community.

The Secretary of State makes these Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972.

Title, application, commencement and cessation

1. These Regulations—

(a) may be cited as the Foot-and Mouth Disease (Export Restrictions) Regulations 2007;

(b) apply in England;

(c) come into force at 11 p.m. on 24th August 2007; and

(d) cease to have effect on 15 September 2007.

Interpretation

2.—(1) In these Regulations—

"approved" means approved for the purposes of these Regulations in accordance with regulation 3;

"the Decision" means Commission Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom (**3**) as amended by Commission Decision 2007/588/EC(**4**);

(**1**) S. I. 1972/1811.
(**2**) 1972 c. 68.
(**3**) OJ No. L210, 10.8.2007, p 36.

"export" includes consigning for export;

"inspector" means a person appointed as an inspector for the purposes of the Animal Health Act 1981(**5**) or the Animals and Animal Products (Import and Export) (England) Regulations 2006(**6**), or a person authorised by the Secretary of State, local authority or Food Standards Agency to be an authorised officer or official veterinary surgeon for the purposes of the Products of Animal Origin (Third Country Imports) (England) Regulations 2006(**7**) or the Products of Animal Origin (Import and Export) Regulations 1996(**8**);

"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;

"local authority" means—

(a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(**9**), a unitary authority for that local government area, that authority;

(b) where there is not a unitary authority—

(i) where there is a port health authority, that authority;

(ii) in a metropolitan district, the council of that district;

(iii) in a non-metropolitan county, the county or district council;

(iv) in each London borough (except in relation to imported animals) the council of that borough; or

(v) in the City of London, and for all London boroughs in relation to imported animals, the Common Council;

"surveillance zone" means the surveillance zone resulting from the following declarations under articles 5(4), 34(2) and 38(5) of the Foot and Mouth Disease (England) Order 2006(**10**):

(a) the declaration of a protection zone, a surveillance zone and a restricted zone made at 9.30 p.m. on 4th August 2007 (as amended by declarations made at 10 p.m. on 4th August 2007 and at 5.30 p.m. on 16th August 2007);

(b) the declaration of a protection zone and surveillance zone made at 1.50 p.m. on 5th August 2007;

(c) the declaration of a protection zone and surveillance zone made at 11.55 a.m. on 7th August 2007;

(d) the declaration of a protection zone and surveillance zone made at 5.55 p.m. on 9th August 2007; and

(e) the declaration merging the protection zone and surveillance zone made at 11.45 a.m. on 24th August 2007(**11**).

(2) A notice under these Regulations shall be in writing, may be subject to conditions and may be amended or revoked by further notice in writing at any time.

(**4**) OJ No. L220, 25.8.2007
(**5**) 1981 c. 22.
(**6**) S.I. 2006/1471.
(**7**) S. I. 2006/2841.
(**8**) S. I. 1996/3124.
(**9**) S. I. 1994/867.
(**10**) S.I. 2006/182
(**11**) The zone is described at http://defraweb/animalh/diseases/fmd/pdf/declaration-pz-sz-rz230807.pdf

Approvals

3.—(1) The Secretary of State or a local authority may approve establishments or cutting plants for the purposes of these Regulations if they are satisfied that the occupier will comply with the conditions of these Regulations.

(2) Any approval shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice at any time, and in particular may be suspended or revoked if the Secretary of State (or in the case of an approval granted by the local authority, that local authority) is reasonably of the opinion that the provisions of these Regulations are not being complied with.

Export and movement of live animals

4.—(1) No person may export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate from the surveillance zone.

(2) By way of derogation from paragraph (1), the Secretary of State may authorise the export of those animals originating outside the surveillance zone if the animals travelled through that zone on main roads and railway lines pursuant to paragraph (4) and the requirements relating to export in paragraph (3) are complied with.

(3) No person may export any biungulate animal from outside the surveillance zone to another member State unless at least three days before export the Secretary of State has notified the destination member State; and—

(a) in the case of bovine, porcine, ovine and caprine animals, the health certificate accompanying the animals bears 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"; or

(b) in the case of any other biungulates, the health certificate accompanying the animals bears 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".

(4) No person may move any biungulate through the surveillance zone except on main roads or railway lines

Export of fresh meat, minced meat, mechanically separated meat and meat preparations and sale of meat not eligible for export

5.—(1) No person may export any meat from animals of the bovine, ovine, caprine or porcine species or other biungulate coming from the surveillance zone or obtained from animals originating in that zone.

(2) In this regulation, the reference to "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(**12**).

(3) The prohibition in paragraph (1) does not apply in relation to meat bearing a 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(**13**), provided that—

(**12**) OJ No. L139, 30.4.2004, p. 55.
(**13**) OJ No. L139, 30.4.2004, p. 206 as last amended by Regulation (EC) No. 1791/2006.

(a) the meat is clearly identified, and has been transported and stored since the date of production separately from meat from the surveillance zone not eligible for export; and

(b) the meat complies with either of the following conditions–

(i) it was obtained before 15th July 2007, or

(ii) it is derived from animals reared for at least 90 days prior to slaughter outside the surveillance zone and slaughtered outside the surveillance zone or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed, outside the surveillance zone.

(4) The prohibition in paragraph (1) does not apply in relation to fresh meat obtained from an approved cutting plant situated in the surveillance zone if—

(a) only fresh meat as described in paragraph (3)(b) is processed in the cutting plant in any one day;

(b) cleansing and disinfection is carried out after processing any meat not meeting the requirement in sub-paragraph (a);

(c) all meat bears the health mark in accordance with Chapter III of Section I to Annex I of Regulation (EC) No 854/2004;

(d) the cutting plant is operated under strict veterinary control; and

(e) the fresh meat is clearly identified, and has been transported and stored separately from meat which is not eligible for export.

(5) Meat exported to another member State must be accompanied by an official certificate from an official veterinarian which bears 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".

(6) Meat not eligible for export to another member State must be marked in accordance with the second subparagraph of Article 4(1) of Council 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(**14**), or in accordance with Commission Decision 2001/304/EC on the marking and use of certain animal products(**15**).

(7) Fresh meat obtained from animals reared outside the surveillance zone and transported directly and under official control in sealed means of transport to an approved slaughterhouse situated in the surveillance zone, may be placed on the market in the surveillance zone if—

(a) the meat is marked in accordance with the second subparagraph of Article 4(1) of Directive 2002/99/EC or in accordance with Decision 2001/304/EC;

(b) the slaughterhouse is operated under strict veterinary control; and

(c) the meat is clearly identified, and has been transported and stored separately from meat which is not eligible for export.

Export of meat products

6.—(1) No person may export meat products, including treated stomachs, bladders and intestines, of animals of the bovine, ovine, caprine or porcine species and other biungulates coming from the surveillance zone or prepared using meat obtained from such animals originating in that zone.

(2) The prohibition in paragraph (1) does not apply to meat products that have been transported and stored since the date of production separately from other meat products from the surveillance zone not eligible for export, provided that the meat products–

(**14**) OJ No. L18, 23.1.2003, p 11.
(**15**) OJ No.L104, 13.4.2001, p 6.

(a) are clearly identified;

(b) bear the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004; and

(c) are either—

(i) made from meats described in regulation 5(3)(b); 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.

(3) Meat products consigned to another member State must be accompanied by an official certificate which bears 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".

(4) Paragraph (3) does not apply to meat products that comply with paragraph (2) 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, if compliance with paragraph (2)(c)(ii) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 13.

(5) Paragraph (3) does not apply to meat products heat treated in accordance with paragraph (2)(c)(ii) stored in hermetically sealed containers so as to ensure that they are shelf stable, if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of milk

7.—(1) No person may export milk produced or prepared in the surveillance zone.

(2) The prohibition in paragraph (1) does not apply to milk produced from animals kept in the surveillance zone that has been subjected to at least 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(**16**), 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.

(3) The prohibition in paragraph (1) does not apply to milk prepared in an approved establishment situated in the surveillance zone under the following conditions—

(a) all milk used in the establishment has either—

(i) been treated in accordance with paragraph (2); or

(ii) has been obtained from animals reared and milked outside the surveillance zone ;

(b) the establishment must be operated under strict veterinary control;

(c) the milk is clearly identified and transported and stored separately from milk and dairy products from the surveillance zone not eligible for export; and

(d) transport of raw milk from holdings situated outside the surveillance zone to the establishment in the surveillance zone is carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the surveillance zone keeping animals of species susceptible to foot-and-mouth disease.

(4) Milk consigned to another member State must be accompanied by an official certificate which bears the following words—

(**16**) OJ No. L306, 22.11.2003, p. 1 as last amended by Directive 2006/104/EC.

"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".

(5) Paragraph (4) does not apply to milk which complies with the requirements of paragraph (2)(a) or (b) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 13, 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.

(6) Paragraph (4) does 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.

Export of dairy products

8.—(1) No person may export dairy products produced or prepared in the surveillance zone.

(2) The prohibition in paragraph (1) does not apply to dairy products—

(a) produced before 15th July 2007;

(b) prepared from milk complying with the provisions in regulation 7(2) or (3); or

(c) for export to a third country where import conditions permit such products to be subject to treatment other than laid down in regulation 7(2) which ensures the inactivation of the foot-and-mouth disease virus.

(3) The prohibition in paragraph (1) does not apply to dairy products intended for human consumption—

(a) 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 these Regulations; or

(b) produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within the surveillance zone, 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 the date of production of 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.

(4) The prohibition in paragraph (1) does not apply to—

(a) dairy products prepared in an approved establishment situated in the surveillance zone if—

(i) all milk used in the establishment either conforms to the conditions of regulation 7(2) or is obtained from animals outside the surveillance zone;

(ii) all dairy products used in the final product either conform to the conditions of paragraphs (2)(a) or (b) or (3) of this regulation or are made from milk obtained from animals outside the surveillance zone;

(iii) the establishment is operated under strict veterinary control; and

(iv) the dairy products are clearly identified and transported and stored separately from milk and dairy products from the surveillance zone that are not eligible for export; or

(b) dairy products prepared in parts of the United Kingdom outside the surveillance zone using milk obtained before 15th July 2007 from the surveillance zone provided that the milk products are clearly identified and transported and stored separately from dairy products from the surveillance zone not eligible for export.

(5) Dairy products consigned to another member State must be accompanied by an official certificate which bears 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".

(6) Paragraph (5) does not apply to milk products which comply with the requirements of paragraphs (2)(a) or (b), (3) or (4) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 13, and the dairy products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(7) Paragraph (5) does not apply to dairy products which conform to the requirements of paragraphs (2)(a) or (b), (3) or (4), which have been treated in hermetically sealed containers so as to ensure that they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of semen, ova and embryos

9.—(1) No person may export semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates produced in or brought into the surveillance zone.

(2) The prohibition in paragraph (1) does not apply in relation to—

(a) semen, ova and embryos produced before 15th July 2007; or

(b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions laid down in—

(i) Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (**17**);

(ii) Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(**18**); and

(iii) Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(**19**),

and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos from the surveillance zone not eligible for export.

(3) The health certificate accompanying frozen bovine semen consigned to another member State must bear the following words—

"Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 on certain protection measures against foot-and-mouth disease in the United Kingdom".

(4) The health certificate accompanying bovine embryos consigned to another member State must bear the following words—

"Bovine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 on certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) The health certificate accompanying porcine semen to other member States must bear the following words—

(**17**) OJ No. L194, 22.7.1988, p. 10 as last amended by the Act of Accession of Austria, Finland and Sweden.
(**18**) OJ No. L302, 19.10.1989, p.11 as last amended by Act of Accession of Austria, Finland and Sweden.
(**19**) OJ No. L224, 18.8.1990, p. 62 as last amended by Council Decision 2001/36/EC (OJ No. L13, 19.1.2000, p. 21.

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

Export of hides and skins

10.—(1) No person may export hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates produced in or brought into the surveillance zone.

(2) The prohibition in paragraph (1) does not apply in relation to hides and skins that—

(a) were produced before 15th July 2007;

(b) conform to the requirements of point (c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(**20**); or

(c) were produced outside the surveillance zone in accordance with the conditions laid down in Regulation (EC) No 1774/2002 and since introduction into the United Kingdom have been transported separately from hides and skins from the surveillance zone not eligible for export,

provided that treated hides and skins are separated from untreated hides and skins.

(3) Hides and skins consigned to another member State must be accompanied by an official certificate which bears the following words:—

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

(4) Paragraph (3) does not apply to hides and skins which conform to the requirements of either—

(a) points (b) to (e) or paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002; or

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

if 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 13.

Export of animal products

11.—(1) No person may export animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations—

(a) produced after 15th July 2007 coming from the surveillance zone; or

(b) obtained from animals originating from the surveillance zone.

(2) No person may export dung or manure from animals of the bovine, ovine, caprine and porcine species and other biungulates from the surveillance zone.

(3) The prohibition in paragraph (1) does not apply in relation to—

(a) animal products that—

(i) have been subject to a heat treatment in a hermetically sealed container with a Fo value of 3,00 or more;

(ii) have been subject to a heat treatment in which the centre temperature is raised to at least 70°C; or

(**20**) OJ No. L273, 10.10.2002, p. 1 as last amended by Regulation (EC) No. 829/2007.

(iii) were produced outside the surveillance zone in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and which since introduction into the United Kingdom have been stored and transported separately from animal products from the surveillance zone not eligible for export;

(b) blood and blood products—

(i) as defined in points 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

(ii) that have been imported in accordance with Part A of Chapter IV of Annex VIII to Regulation (EC) No 1774/2002;

(c) lard and rendered fats which have been subjected to the heat treatment prescribed in point 2(d)(iv) of Part B of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002;

(d) animal casings that comply with the conditions in Part A of Chapter 2 of Annex 1 to Directive 92/118/EC laying down animal health and public requirements governing trade in and imports into the Community of certain products(**21**), 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;

(e) 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;

(f) petfood conforming to the requirements of points 2 to 4 of Part B of Chapter II of Annex VIII to Regulation (EC) No 1774/2002;

(g) composite products 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;

(h) game trophies in accordance with points 1, 3 or 4 of Part A of Chapter VII of Annex VIII to Regulation (EC) No 1774/2002;

(i) packed animal products intended for use as in-vitro diagnostic or laboratory reagents; or

(j) 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(**22**), veterinary medicinal products as defined in Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products(**23**) 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(**24**).

(4) The animal products referred to in paragraph (3) for consignment to other member States must be accompanied by an official certificate which bears 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".

(**21**) OJ No. L62, 15.3.1993, p49
(**22**) OJ No. L311, 28.11.2001, p67
(**23**) OJ No. L311, 28.11.2001, p1
(**24**) OJ No. L121, 1.5.2001, p34

(5) Paragraph (4) does not apply to products specified in sub-paragraphs (b), (c) or (d) of paragraph (3) that are accompanied by a commercial document endorsed in accordance with regulation 13 of these Regulations.

(6) Paragraph (4) does not apply to products specified in sub-paragraph (e) of paragraph (3) that 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 Part A of Chapter VIII of Annex VIII to Regulation (EC) No 1774/2002.

(7) Paragraph (4) does not apply to products specified in sub-paragraphs (f) and (g) of paragraph (3) 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 and they have a commercial document endorsed in accordance with regulation 13.

(8) Paragraph (4) does not apply to products specified in sub-paragraphs (i) and (j) of paragraph (3) if they are accompanied by a commercial document stating that the products are for use as in-vitro diagnostic or laboratory reagents or medicinal products, provided that the products are clearly labelled "for in-vitro diagnostic use only" or "for laboratory use only" or as "medicinal products".

(9) Paragraph (4) does 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(**25**) if they are accompanied by a commercial document which bears the following words:

"These composite products are shelf stable at ambient temperatures 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

12. The prohibitions in regulations 6, 7, 8 and 11 do not apply in relation to—

(a) products not produced in the United Kingdom and which remain in their original packaging indicating the country of origin of the products; and

(b) products that are—

(i) produced in an approved establishment in the surveillance zone from pre-processed products originating outside that zone which, since introduction into the United Kingdom have been transported, stored and processed separately from products from the surveillance zone not eligible for export; and

(ii) accompanied by a commercial document or official certificate as required by these Regulations.

Endorsement of commercial documents

13.—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must 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

(**25**) OJ No. L 116, 4.5.2007, p. 9

(ii) from pre-processed materials that have been certified accordingly; and

(b) provisions are in place to avoid possible recontamination with the foot-and-mouth disease virus after treatment.

(2) The certificate must bear a reference to the Decision, is valid for 30 days, must state the expiry date and is renewable after inspection of the establishment.

(3) In the case of products for retail sale to the final consumer, a consolidated consignment other than fresh meat, minced meat, mechanically separated meat and meat preparations, each of which is eligible for export in accordance with these Regulations, may be exported from an approved establishment accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate that—

(a) confirms that the establishment of export has in place a system to ensure that goods can only be exported if they are traceable to documentary evidence of compliance with these Regulations;

(b) confirms that this system has been audited and found satisfactory;

(c) refers to the Decision;

(d) is valid for 30 days;

(e) states the expiry date; and

(f) is renewable only after the establishment had been audited with satisfactory results.

Offers to export

14. No person may offer to export, or accept orders for the export of, anything prohibited from being exported by these Regulations, whether on the internet or otherwise.

Powers of inspectors

15.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing his authority, at all reasonable hours 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, 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 may carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

(a) detain any vehicle, vessel, container or anything which he reasonably suspects to contain animals or products controlled by these Regulations and intended for export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for export;

(b) search any premises;

(c) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;

(d) examine documentary or data processing material relevant to the checks carried out under these Regulations, including any import or export manifest; and

(e) take with him a representative of the European Commission acting for the purposes of the Decision.

Powers of officers of Revenue and Customs

16. An officer of Revenue and Customs may detain any vehicle, vessel, container or anything which he reasonably suspects to contain animals or products controlled by these Regulations for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

Illegal consignments of products

17.—(1) This regulation has effect when an inspector, on reasonable grounds, suspects that anything other than live animals is intended to be exported in contravention of these Regulations.

(2) The inspector may seize it and remove it in order to have it dealt with by a justice of the peace.

(3) If he seizes it he must inform the person appearing to him to be in charge of the consignment of his intention to have it dealt with by a justice of the peace, and—

(a) any person who might be liable for prosecution under these Regulations in relation to the export shall, if he attends before the justices of the peace by whom the consignment falls to be dealt with, be entitled to be heard and to call witnesses; and

(b) the justice of the peace 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 justice of the peace that there was an intention to export the consignment in contravention of these Regulations he must, unless he is satisfied that the consignment can be returned to the owner without risk of a further attempt to export 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 justice of the peace is satisfied that there was an intention to export a consignment in breach of these Regulations, the owner, the consignor and the consignee are jointly and severally liable for the costs reasonably incurred in its removal to storage, its storage and its destruction or disposal.

Obstruction

18. No person shall—

(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; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

Furnishing false information

19. No person shall furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

Offences by bodies corporate

20.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

21. A person contravening any provision of these Regulations is 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.

Authorisations, certificates, etc. issued in another part of the British Islands

22.—(1) Where these Regulations require any authorisation, certificate or approval to be issued or granted by the Secretary of State in England, an equivalent document issued in another part of the British Islands by the relevant competent authority is valid.

(2) Where these Regulations require anything to be done in approved establishments or cutting plants in England, anything done in premises approved for those purposes in another part of the British Islands shall be treated as if it had been processed in approved premises in England.

Sharing information

23. The Secretary of State, the Commissioners for Her Majesty's Revenue and Customs and any local authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in another part of the British Islands.

Enforcement

24. These Regulations shall be enforced by the Secretary of State or the local authority.

Revocations

25. The Import and Export Restrictions (Foot-And-Mouth Disease) (No.2) Regulations 2007(**26**) are revoked.

Phil Woolas
Minister of State
Department for Environment, Food and Rural Affairs

24th August 2007

(**26**) S. I. 2007/2375.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which are now called The Foot-and-Mouth Disease (Export Restrictions) Regulations 2007, and which apply in England, revoke and re-make with amendments the Import and Export Restrictions (Foot-and-Mouth Disease) (No.2) Regulations 2007. They implement Commission Decision 2007/588/EC which amends Commission Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom.

They regulate—

(a) the export and movement of live animals (regulation 4);

(b) the export of meat from bovine, ovine caprine and porcine animals and other biungulates, and the sale of meat not eligible for export (regulation 5);

(c) the export of meat products, milk and dairy products (regulations 6, 7 and 8);

(d) the export of semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates (regulation 9), hides and skins (regulation 10) and various animal products (regulation 11);

They create an offence of offering to export anything which it is prohibited to export under the Regulations (regulation 14).

They provide powers for enforcement, and powers for officers of Revenue and Customs (regulations 15 to 17) and create an offence of obstruction (regulation 18).

Breach of the Regulations is an offence, punishable—

(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.

The Regulations are enforced by the Secretary of State or the local authority (regulation 24).

An impact assessment has not been prepared for these Regulations.