STATUTORY RULES OF NORTHERN IRELAND

2007 No. 357

ANIMALS

ANIMAL HEALTH

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

Made - - - -	*14th August 2007*
Coming into operation	*14th August 2007*

The Department of Agriculture and Rural Development, being 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 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.

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(**3**) and repealing Commission Decision 2007/552/EC(**4**);

"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;

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L210, 10.8.2007, p. 36
(**4**) O.J. No. L206, 7.8.2007, p 10

"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(**5**), the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**6**) or the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(**7**) 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(**8**) 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(**9**), 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(**10**), 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

(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)

(**5**) 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
(**6**) S.R 2006 No.401 as amended by S.R. 2007 No. 327
(**7**) 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
(**8**) 1954 c. 33 (N.I.)
(**9**) O.J. No. 121, 29.7.1964, p. 1977/64 as last amended by Directive 2006/104/EC
(**10**) O.J. No. L46, 19.2.1991, p. 19 as last amended by Directive 2006/104/EC

No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**11**).

(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(**12**), 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(**13**),

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.

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".

(**11**) 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
(**12**) 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
(**13**) O.J. L18, 23.1.2003, p. 11

(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(**14**), 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 are shelf stable provided that the commercial document accompanying the consignment states the heat treatment applied.

(**14**) 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)

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(**15**); 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

(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

(**15**) O.J. L 273, 10.10.2002, p. 1