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(**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, 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(**3**) 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(**4**) 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

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1999 No. 308

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);

(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