STATUTORY RULES OF NORTHERN IRELAND

2001 No. 204

ANIMALS

Import and Export Restrictions (Foot-and-Mouth Disease) (No. 2) Regulations (Northern Ireland) 2001

Made - - - -	*11th May 2001*
Coming into operation	*11th May 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 Import and Export Restrictions (Foot-and-Mouth Disease) (No. 2) Regulations (Northern Ireland) 2001 and shall come into operation on 11th May 2001.

Interpretation

2.—(1) In these Regulations—

"the Decision" means Commission Decision 2001/356/EC(**3**) of 4th May 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/172/EC(**4**);

"Department" means the Department of Agriculture and Rural Development;

"export" means export outside the United Kingdom, Isle of Man or any of the Channel Islands;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department or by a district council and includes a veterinary inspector;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) O.J. No. L125, 5.5.2001, p. 46
(**4**) O.J. No. L62, 2.3.2001, p. 22 as amended by Commission Decisions 2001/190/EC (O.J. No. L67, 9.3.2001, p. 88), 2001/209/EC (O.J. No. L76, 16.3.2001, p. 35), 2001/239/EC (O.J. No. L86, 27.3.2001, p. 33), 2001/268/EC (O.J. No. 194, 3.4.2001, p. 27), 2001/316/EC (O.J. No. L109, 19.4.2001, p. 72) and 2001/318/EC (O.J. No. L109, 19.4.2001, p. 75)

"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;

"meat products" means meat products as defined in Article 2 of Council Directive 77/99/EEC on health problems affecting the production and marketing of meat products and certain other products of animal origin(**5**);

"member State" means member State of the European Union other than the United Kingdom;

"milk" and "milk products" have the meaning given in Article 2 of Council Directive 92/46/EC (laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products(**6**);

"veterinary inspector" means a person appointed as a veterinary inspector by the Department.

(2) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended at the time these Regulations are made.

(3) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Import and export of live animals

3.—(1) A person shall not export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from the paragraph (1), the Department may by licence in writing authorise the export of biungulate animals originating outside the United Kingdom if the animals travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail or sea.

(3) A person shall not import any live animal of species susceptible to foot-and-mouth disease into Northern Ireland from a member State.

Export of fresh meat

4.—(1) A person shall not export any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate.

(2) In paragraph (1), the reference to "fresh meat" includes minced meat and meat preparations to which Council Directive 94/65/EC(**8**) applies.

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

(a) fresh meat, minced meat or meat preparations obtained before 1st February 2001, provided that the meat, minced meat or meat preparation is clearly identified and since that date has been transported and stored separately from meat, minced meat or meat preparation which is not destined for dispatch outside the United Kingdom; or

(b) fresh meat obtained from cutting plants under the following conditions–

(i) the only meat processed in the establishment is fresh meat described in sub-paragraph (*a*); fresh meat from animals reared and slaughtered outside the United Kingdom;

(**5**) O.J. No. L26, 31.1.1997, p. 85 as last amended by Council Directive 92/45/EEC (O.J. No. L268,14.9.1992, p. 35)
(**6**) O.J. No. L268, 14.9.92, p. 1 as last amended by Council Directive 94/71/EC (O.J. No. 368, 31.12.94, p. 33)
(**7**) 1954 c. 33 (N.I.)
(**8**) O.J. No. L368, 31.12.94, p. 10

(ii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin(**9**));

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

(iv) the meat is clearly identified and transported and stored separately from meat which is not destined for export.

(c) minced meat and meat preparations obtained from establishments approved under the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997(**10**) under the following conditions—

(i) the only meat processed in the establishment is fresh meat described in sub-paragraph (*a*) or fresh meat from animals reared and slaughtered outside the United Kingdom;

(ii) all the minced meat and meat preparations must bear the health mark in accordance with Chapter VI of Annex 1 to Council Directive 94/65/EC (laying down the requirements for the production and placing on the market of minced meat and meat preparations).

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

(iv) the meat, minced meat and meat preparations are clearly identified and transported and stored separately from meat, minced meat and meat preparations which are not destined for export.

(4) Meat, minced meat or meat preparations consigned to a member State under paragraph (2) shall be accompanied by an official certificate prepared by the Department and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Meat conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

Export of meat products

5.—(1) A person shall not export meat products of animals of the bovine, ovine, caprine or porcine species or any other biungulate coming from the United Kingdom.

(2) The prohibition in paragraph (1) shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC (on animal health problems affecting intra-Community trade in meat products (2)), or to meat products(**11**)) as defined in Council Directive 77/99/EEC which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

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

(a) meat products prepared before 1st February 2001, provided that the meat products are clearly identified and since that date have been transported and stored separately from meat products which are not destined for export; or

(b) meat products prepared in establishments under the following conditions—

(i) all fresh meat used in the establishment must conform to the conditions in regulation 4(2);

(**9**) O.J. No. 121, 27.9.1964, p. 2012/64; Directive updated by Directive 91/497/EEC (O.J. No. L268, 24.9.1991, p. 69) as last amended by Directive 95/23/EC (O.J. No. L243, 11.10.1995, p. 7)
(**10**) S.R. 1997 No. 495 as amended by S.R. 2000 No.78 and 2000 No. 191
(**11**) O.J. No. L47, 21.2.1980, p. 4

(ii) all meat products used in the final product must conform to the conditions in sub-paragraph (*a*) or be made from fresh meat obtained from animals reared and slaughtered outside the United Kingdom;

(iii) all meat products must bear the health mark in accordance with Chapter VI of Annex B to Directive 77/99/EEC;

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

(v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for export.

(4) Meat products consigned to a member State under paragraph (*a*) or (*b*) shall be accompanied by an official certificate prepared by the Department and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Meat products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to meat products which conform to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the 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.

(6) Paragraph (4) shall not apply to meat products treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of milk

6.—(1) A person shall not export milk.

(2) The prohibition in paragraph (1) shall not apply to milk which has been subjected to at least—

(a) an initial pasteurisation in accordance with the norms defined in paragraph 3(*b*) of Chapter 1 in Annex I to Council Directive 92/118/EEC (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 1989/662/EEC and, as regards pathogens, to Directive 1990/425/EEC(**12**)) followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or

(b) an initial pasteurisation in accordance with the norms defined in paragraph 3(*b*) of Chapter 1 in Annex I to Council Directive 92/118/EEC, combined with treatment by which the pH is lowered below 6 and held there for at least one hour.

(3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments under the following conditions—

(a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals outside the United Kingdom;

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

(c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for export; and

(**12**) O.J. No. L62, 15.3.1993, p. 49

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

(4) Milk consigned to a member State under paragraph (2) or (3) shall be accompanied by an official certificate prepared by the Department and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Milk conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to milk which conforms to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the milk 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) shall not apply to milk which conforms with the requirements of paragraph (2) (*a*) or (*b*) and which has been treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of milk products

7.—(1) A person shall not export milk products.

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

(a) milk products produced before 1st February 2001;

(b) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6;

(c) milk products subjected to heat treatment at a temperature of at least 72°C for 15 seconds or an equivalent treatment; and

(d) milk products destined for export to a third country where import conditions permit such products to be subject to treatment other than laid down in these Regulations.

(3) The prohibitions described in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions—

(a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;

(b) all milk products used in the final product will either conform to the conditions of paragraph (2)(*a*), (*b*) or (*c*) or be made from milk obtained from animals outside the United Kingdom;

(c) the establishment shall be under strict veterinary control; and

(d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for export.

(4) Milk products consigned to a member State under paragraph (2) or (3) shall be accompanied by an official certificate prepared by the Department and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words –

"Milk products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".