STATUTORY RULES OF NORTHERN IRELAND

2000 No. 72

FOOD

Food (Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 2000

Made - - - -	*10th March 2000*
Coming into operation	*13th March 2000*

Whereas it appears to the Department of Health, Social Services and Public Safety(**1**) acting as the Department concerned that the carrying out of commercial operations with respect to animal products originating from Belgium may involve imminent risk of injury to health, now therefore the Department concerned, in exercise of the powers conferred on it by Articles 12(1), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Food (Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 2000 and shall come into operation on 13th March 2000.

(2) In this Order—

"the 1991 Order" means the Food Safety (Northern Ireland) Order 1991;

"the Commission Decision" means Commission Decision 1999/788/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption(**3**) as amended by Commission Decision 2000/150/EC(**4**);

"free circulation" shall be constructed in accordance with Article 23.2 of the Treaty establishing the European Community;

"member State" means a member State of the European Community other than Belgium or the United Kingdom;

"relevant animal product" means an entity coming within any of the following descriptions—

(a) products of Belgium origin covered by Article 1.3 of the Commission Decision, and

(b) products which contain any of the products referred to in sub- paragraph (*a*),

(**1**) Formerly the Department of Health and Social Services; *see*S.I. 1999/283 (N.I. 1), Article 3
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1633 (N.I. 12). *See* Article 2(2) for the definition of "the Department concerned"
(**3**) O.J. No. L310, 4.12.99, p. 62
(**4**) O.J. No. L50, 23.2.00, p. 25

but only includes food.

(3) Other expressions used both in this Order and in the Commission Decision have the same meaning in this Order as they bear in that Decision.

Exemptions

2.—(1) Article 3 shall not apply to—

(a) the importation of any food if, when imported, that food is accompanied by valid certification relating to it, as specified in paragraph (3);

(b) any subsequent commercial operation in relation to the food if it can be proved by the person carrying out the operation that at the time of importation it was so accompanied; or

(c) the return to Belgium, in accordance with Article 4 of the Commission Decision, of any product covered by this Order.

(2) Article 5 shall not, save for sub-paragraphs (*a*) and (*b*) of paragraph (1), apply to any imported food which is accompanied by valid certification relating to it as specified in paragraph (3).

(3) The certification to which paragraphs (1)(*a*) and (*b*) and (2) apply is an official certificate signed by the Belgian competent authority as called for by Article 2 of the Commission Decision.

Prohibitions

3.—(1) Subject to paragraph (2), no person shall carry out commercial operations with respect to any relevant animal product.

(2) Paragraph (1) shall not be taken to prohibit the bringing into Northern Ireland from a member State of any relevant animal product in free circulation in that member State.

Enforcement

4.—(1) This Order shall be enforced and executed by each district council within its district.

(2) For the purposes of the return to Belgium of any product as specified in Article 2(1)(*c*), the competent authority for the purposes of the official certificate shall be any authorised officer of a district council.

(3) Each district council shall give such assistance and information to the Department as it may request for the purpose of its duties under Article 12 of the 1991 Order in connection with the implementation of the Commission Decision in relation to food .

Application and modification of various provisions of the 1991 Order

5.—(1) Article 8 of the 1991 Order (inspection and seizure of suspected food) shall apply for the purposes of this Order, subject to the following modifications—

(a) paragraphs (1) and (2) shall extend to food which appears to an authorised officer to come within the definition of "relevant animal product";

(b) paragraphs (3) to (8) shall apply—

(i) to any food falling within sub-paragraph (*a*) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and

(ii) to any relevant animal product as if it were food which failed to comply with food safety requirements,