STATUTORY RULES OF NORTHERN IRELAND

1999 No. 420

FOOD

Food (Animals and Animal Products from Belgium) (Emergency Control) (No. 4) Order (Northern Ireland) 1999

Made - - - -	*13th October 1999*
Coming into operation	*14th October 1999*

Whereas it appears to the Department of Health and Social Services acting as the Department concerned that the carrying out of commercial operations with respect to animals and 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(**1**) 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 (Animals and Animal Products from Belgium) (Emergency Control) (No. 4) Order (Northern Ireland) 1999 and shall come into operation on 14th October 1999.

(2) In this Order—

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

"animal" includes any bird;

"the Commission Decision" means Commission Decision 1999/640/EC on protective measures with regards to contamination by dioxins of certain products of porcine and poultry origin intended for human or animal consumption(**2**);

"free circulation" shall be construed 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 or animal product" means an entity coming within any of the following descriptions—

(**1**) 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"

(**2**) O.J. No. L253, 28.9.99, p. 19

(a) live animals and hatching eggs as referred to in Article 3 of the Commission Decision;

(b) products of Belgian origin covered by Article 1.4 of the Commission Decision, and

(c) products which are derived or partly derived from live animals or hatching eggs referred to in sub-paragraph (a) or contain any of the products referred to in sub-paragraph (b),

but only includes food and food sources.

(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 or food source if, when imported, that food or food source is accompanied by valid certification relating to it, as specified in paragraph (3);

(b) any subsequent commercial operations in relation to the food or food source 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 5 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 or food source 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—

(a) in the case of live poultry or hatching eggs as referred to in Article 2.2 of the Commission Decision, an official declaration signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision;

(b) in the case of pigs as referred to in Article 2.3 of the Commission Decision, an official declaration signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision;

(c) in the case of products referred to in Article 2.1 of the Commission Decision, an official certificate signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision.

Prohibitions

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

(2) Paragraph (1) shall not be taken to prohibit the bringing into Northern Ireland from a member State of any relevant animal or 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 and food sources.