STATUTORY RULES OF NORTHERN IRELAND

1999 No. 357

FOOD

Food (Animals and Animal Products from Belgium) (Emergency Control) (No. 3) Order (Northern Ireland) 1999

Made - - - -	*18th August 1999*
Coming into operation	*19th August 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. 3) Order (Northern Ireland) 1999 and shall come into operation on 19th August 1999.

(2) In this Order—

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

"the amending Commission Decision" means Commission Decision 1999/551/EC amending Decision 1999/449/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption(**2**);

"animal" includes any bird;

"the Commission Decision" means Commission Decision 1999/449/EC on protective measures with regards to contamination by dioxins of certain animal products intended for human or animal consumption(**3**), as amended by the amending Commission Decision;

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

(**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. L209, 7.8.99, p. 42
(**3**) O.J. No. L175, 10.7.99, p. 70

"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—

(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, in so far as the context admits, 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 as read with Article 2 of the amending 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, and not issued in contravention of Article 2 of the amending Commission Decision;

(b) in the case of bovine animals or 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, and not issued in contravention of Article 2 of the amending Commission 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, and not issued in contravention of Article 2 of the amending Commission 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.