STATUTORY RULES OF NORTHERN IRELAND

1999 No. 308

AGRICULTURE

Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999

Made - - - -	*30th June 1999*
Coming into operation	*29th July 1999*

The Department of Agriculture, 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) Regulations (Northern Ireland) 1999 and shall come into operation on 29th July 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"additional mark" means—

(a) in relation to any foreign origin export eligible goods which are not mentioned in paragraph (c) or (d) below, any mark which conforms to the design set out in Schedule 4;

(b) in relation to—

(i) DBES goods; or

(ii) ECHS goods prepared in Northern Ireland;

any mark which conforms to the design set out in Schedule 5; and

(c) in relation to any foreign origin export eligible goods—

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(i) consisting of or derived from fresh meat which has been deboned and from which all adherent tissues including obvious nervous and lymphatic tissues have been removed; and

(ii) are mixed with any DBES goods or ECHS goods,

means any mark conforming with the design set out in Schedule 5 or two marks, one conforming with the design set out in Schedule 4 and one conforming with the design set out in Schedule 5;

(d) in relation to any foreign origin export eligible goods—

(i) consisting of or derived from fresh meat which has not been deboned or from which all adherent tissues, including obvious nervous and lymphatic tissues, have not been removed; and

(ii) which are mixed with DBES goods or ECHS goods,

two marks, one conforming with the design set out in Schedule 4 and one conforming with the design set out in Schedule 5; and

(e) in relation to any ECHS goods which have not undergone any stage of preparation in Northern Ireland, a mark conforming to Schedule 5 of the Great Britain Regulations;

"bovine animal" includes any animal of the species Bubalus bubalis and Bison bison;

"bovine embryo" means an embryo of a bovine animal;

"Community approved border inspection post" means any place in a member State which is specified in the Annex to Commission Decision 97/778/EC drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries;

"controlled bovine by-product" means—

(a) an amino acid;

(b) a peptide;

(c) tallow;

(d) tallow products not falling within paragraph (e) below; or

(e) a product derived by saponification, transesterification or hydrolysis from tallow,

produced in the United Kingdom from any part of a bovine animal slaughtered in the United Kingdom and which is—

(i) liable to enter the human food chain or animal feed chain; or

(ii) destined for use in cosmetic, medical or pharmaceutical products;

"the Council Decision" means Council Decision 98/256/EC(**4**) concerning emergency measures to protect against bovine spongiform encephalopathy as amended by Commission Decision 98/564/EC(**5**) and Commission Decision 98/692/EC(**6**);

"DBES" means the date based export scheme referred to in Annex III to the Council Decision;

"DBES eligible animal" means any bovine animal which satisfies the conditions set out in paragraph 3 of Annex III to the Council Decision;

"DBES goods" means any fresh meat, minced meat, meat preparations or meat products derived from DBES eligible animals;

"the Department" means the Department of Agriculture;

"despatch" includes carry;

(**4**) O.J. No. L113, 15.4.98, p. 32
(**5**) O.J. No. L273, 9.10.98, p. 37
(**6**) O.J. No. L328, 4.12.98, p. 28

"ECHS animal" means any bovine animal slaughtered in Northern Ireland which—

(a) satisfies the conditions set out in paragraphs 6 and 7 of Annex II to the Council Decision; and

(b) originated in an ECHS herd;

"ECHS goods" means any fresh meat, minced meat, meat preparations or meat products derived from ECHS animals;

"ECHS herd" means a herd of bovine animals in Northern Ireland which satisfies the conditions set out in paragraphs 2 to 5 of Annex II to the Council Decision;

"establishment" includes any premises;

"export dedicated establishment" means an establishment approved under regulation 12(2)(a) which is not used for the preparation of any goods derived from bovine animals other than export eligible goods;

"export eligible goods" means—

(a) DBES goods, ECHS goods and foreign origin export eligible goods; or

(b) 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;

"foreign origin bovine by-product" means any of the following by-products derived from a bovine animal not slaughtered in the United Kingdom—

(a) gelatin, di-calcium phosphate, tallow or tallow product not mentioned in paragraph (b) below;

(b) a product derived from tallow by saponification, transesterification or hydrolysis; or

(c) an amino acid, peptide or collagen,

which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products;

"foreign origin export eligible goods" means—

(a) fresh meat;

(b) any minced meat or meat preparation;

(c) any meat product or other product of animal origin; or

(d) food for domestic carnivores,

derived from a bovine animal which was not slaughtered in the United Kingdom;

"fresh meat" has the same meaning as in Council Directive 64/433/EEC(**7**);

"the Great Britain Regulations" means the Bovines and Bovine Products (Trade) Regulations 1999(**8**);

"inspector" means any person appointed as such by the Department for the purposes of these Regulations;

"meat products" and "other products of animal origin" have the same meaning as in Council Directive 77/99/EEC(**9**);

"minced meat" and "meat preparations" have the same meaning as in Council Directive 94/65/EC(**10**);

(**7**) Directive 64/433/EEC has been amended and consolidated by Directive 91/497/EEC (O.J. No. L268, 24.9.91, p. 96)
(**8**) S.I. 1999/1103
(**9**) O.J. No. L26, 31.1.77, p. 85, as amended and updated by Council Directive 92/5/EEC (O.J. No. L57, 2.3.92, p. 1)
(**10**) O.J. No. L368, 31.12.94, p. 10

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

"officer" means a person commissioned by the Commissioners of Customs and Excise;

"official seal" means a seal supplied by the Department for the purpose of preventing unauthorised access to export eligible goods;

"operator" in respect of an establishment for which an approval or registration is required under these Regulations, means the person carrying on or proposing to carry on a business there for which the approval or registration is required;

"premises" includes any place, stall or moveable structure;

"prepare" in relation to any foreign origin export eligible goods, DBES goods or ECHS goods (otherwise than when they are under official control) means the—

(a) manufacture;

(b) production;

(c) processing or treatment (in whatever manner);

(d) packaging or re-packaging;

(e) presentation, labelling or re-labelling or wrapping or re-wrapping;

(f) storage at ambient temperature, or cold temperature, other than keeping in a sealed means of transport (or in any lockable chamber or lockable container carried on a sealed means of transport) for any period when the goods are accompanied by a veterinary certificate issued in accordance with the requirements of these Regulations in relation to the despatch of the goods from Northern Ireland;

(g) handling; and

(h) loading or unloading,

of any such goods;

"suspension notice" and "suspension order" shall be construed in accordance with regulation 20;

"third country" means any State which is not a member of the European Community;

"vertebral column" includes any part thereof;

"veterinary inspector" means a person appointed as such by the Department for the purposes of these Regulations;

(3) In these Regulations other expressions which are also used in the Council Decision have the same meaning as in that Decision.

(4) Any reference in these Regulations to an instrument of the European Communities is a reference to that instrument as amended at the date of the coming into operation of these Regulations.

Trade in live bovine animals, bovine embryos, mammalian meat and bone meal and related products

3.—(1) Subject to paragraph (2), a person shall not despatch from Northern Ireland to a member State or a third country, bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

(a) live bovine animal or bovine embryo;

(b) meat meal, bone meal or meat and bone meal derived from any mammal; or

(c) animal feed or fertilisers containing such material.

(2) Nothing in paragraph (1) shall prohibit—

(a) the despatch from Northern Ireland;

(b) the bringing to any place in Northern Ireland for the purposes of such despatch; or

(c) the consignment for the purposes of such despatch,

of any food for domestic carnivores by reason only that such food contains meat meal, bone meal or meat and bone meal derived from any mammal, provided that those materials originate outside the United Kingdom and that each stage of the preparation of the food which took place in the United Kingdom took place in an establishment approved under regulation 12(2) and in accordance with the requirements of that approval.

Trade in meat, products, by-products and materials derived from animals slaughtered in the United Kingdom

4.—(1) Subject to the following paragraphs, a person shall not despatch from Northern Ireland to a member State or third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

(a) meat derived from a bovine animal slaughtered in the United Kingdom;

(b) product obtained from a bovine animal slaughtered in the United Kingdom which is liable to enter the human food or animal feed chain; or

(c) material derived from a bovine animal slaughtered in the United Kingdom which is destined for use in medical or pharmaceutical products.

(2) The prohibitions in paragraph (1) shall not apply in relation to any controlled bovine by-product where—

(a) it was produced in an establishment registered under regulation 6(2);

(b) an inspection has been carried out of the system of official controls established in relation to those premises for the purposes of Article 4(5) of the Council Decision; and

(c) in the case of any by-product referred to in paragraphs (a) to (c) of the definition of "controlled bovine by-product" in regulation 2(2)—

(i) it is accompanied by an official certificate issued by a veterinary inspector stating that it was produced in compliance with the conditions set out in Annex I to the Council Decision and attesting to the frequency of the official controls carried out in relation thereto; and

(ii) the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision for controlled bovine by-products of that type; and

(d) in the case of any by-product referred to in paragraphs (d) and (e) of the definition of "controlled bovine by-product" in regulation 2(2), the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision and that date has passed.

(3) The prohibitions in paragraph (1) shall not apply in relation to any type of ECHS goods where—

(a) the ECHS animals from which the goods have been derived were slaughtered—

(i) in a slaughterhouse approved under regulation 10(3); and

(ii) in accordance with the requirements of that regulation and regulation 11;

(b) each stage of the preparation of those goods which took place in Northern Ireland took place in a slaughterhouse approved by the Department under regulation 10(3) or an establishment approved by the Department under regulation 12(2), in accordance with the requirements of regulations 10 to 13 which relate to that stage (including the requirement for supervision by a veterinary surgeon);