STATUTORY RULES OF NORTHERN IRELAND

1997 No. 218

EUROPEAN COMMUNITIES
MEAT

Fresh Meat (Import Conditions) Regulations (Northern Ireland) 1997

Made - - - -	*17th April 1997*
Coming into operation	*19th May 1997*

The Department of Agriculture for Northern Ireland, 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 Economic 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 Fresh Meat (Import Conditions) Regulations (Northern Ireland) 1997 and shall come into operation on 19th May 1997.

Interpretation

2.—(1) In these Regulations—

"animal health and certification Decision" means any Decision under the third countries Directive specified in Schedule 1 concerning animal health conditions and veterinary certificates for imports of fresh meat from specified States;

"approved establishments Decision" means any Decision under the third countries Directive specified in Schedule 2 on lists of establishments in specified States approved for the importation of fresh meat or, where indicated in Part II of the Schedule, of certain categories of fresh meat;

"border inspection post" has the meaning given by Article 2(2)(*g*) of Council Directive 90/675/EEC of 10th December 1990 laying down the principles governing the organisation of

(**1**) S.I.1972/1811
(**2**) 1972 c. 68

veterinary checks on products entering the Community from third countries(**3**), as amended by Council Regulation (EEC) No. 1601/92(**4**);

"EEA Agreement" means the Agreement on the European Economic Area(**5**) signed at Oporto on 2nd May 1992 as amended by the Protocol(**6**) signed at Brussels on 17th March 1993;

"EEA State" means a State which is a Contracting Party to the EEA Agreement;

"free zone" and "free warehouse" have the meaning given by Article 1(2) of the Products of Animal Origin Regulations;

"fresh meat Directive" means Council Directive 64/433/EEC, set out in the Annex to Council Directive 91/497/EEC(**7**), and amended by Council Directive 92/5/EEC(**8**), on health conditions for the production and marketing of fresh meat;

"import" means brought into Northern Ireland by any means whatsoever;

"non-importation Decision" means a Decision specified in Schedule 3;

"relevant EEA State" means an EEA State other than Iceland;

"the Products of Animal Origin Regulations" means the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**9**);

"samples" means fresh meat imported into Northern Ireland for exhibition, special studies or analysis;

"special importation requirement" means, in relation to a State specified in any paragraph of Schedule 4, any requirement specified in that paragraph relating to that region or State;

"the licensing Order" means the Landing of Carcases and Animal Products Order (Northern Ireland) 1985(**10**);

"the third countries Directive" means Council Directive 72/462/EEC of 12th December 1972(**11**), on health and veterinary problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries as amended by the provisions listed in paragraph 2 of Schedule 5;

"the third country list" means the list in the Annex to Council Decision 79/542/EEC(**12**) of 21st December 1979, drawing up a list of third countries from which Member States authorise imports of bovine and porcine animals, equidae, sheep and goats, fresh meat and meat products as amended by the provisions listed in paragraph 4 of Schedule 5;

"third country" means a State which is not a relevant EEA State.

(2) Unless the context otherwise requires, expressions used in these Regulations and the fresh meat Directive have the same meaning in these Regulations as in that Directive.

(3) The following expressions, in particular, are defined in Article 1 of the fresh meat Directive—

(a) "meat" and "fresh meat"; and

(b) "wrapping" and "packaging".

(4) Any reference in these Regulations to a Community Instrument or an Instrument relating to the European Community or the European Economic Area is a reference to that Instrument as amended, modified or otherwise affected by the instruments listed as amending, modifying or

(**3**) O.J. No. L373, 31.12.90, p. 1
(**4**) O.J. No. L173, 26.7.92, p. 13
(**5**) O.J. No. L1, 3.1.94, p. 1
(**6**) O.J. No. L1, 3.1.94, p. 571
(**7**) O.J. No. L268, 24.4.91, p. 69
(**8**) O.J. No. L57, 2.3.92, p. 1
(**9**) S.R. 1993 No. 304 as amended by S.R. 1995 No. 112
(**10**) S.R. 1985 No. 161 as amended by S.R. 1995 No. 315
(**11**) O.J. No. L302, 31.12.72, p. 28
(**12**) O.J. No. L146, 14.6.79, p. 15

affecting it; in particular all the Directives referred to in these Regulations have been adapted by the Act of Accession to the European Union of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden(**13**).

(5) The Interpretation Act (Northern Ireland) 1954(**14**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Fresh meat to which the Regulations apply

3. Subject to regulations 4, 5, 6, 7 and 12, these Regulations apply to fresh meat intended for human consumption.

Fresh meat originating in Great Britain, the Isle of Man or the Channel Islands

4. These Regulations shall not apply to imports of fresh meat originating in Great Britain, the Isle of Man or any of the Channel Islands.

Fresh meat for crew and passengers on board means of transport operating internationally

5.—(1) Subject to paragraph (2), these Regulations do not apply to fresh meat which is for consumption by the crew and passengers on board means of transport operating internationally.

(2) Where such fresh meat, including kitchen waste, is unloaded, it shall be destroyed, except where such unloading is solely for the purpose of transferring such fresh meat, directly or after being placed under customs supervision, from one means of transport to another.

Personal imports

6. These Regulations do not apply to imports of fresh meat—

(a) forming part of a traveller's personal luggage and intended for his personal consumption, or

(b) sent as small packages on a non-commercial basis,

provided that the fresh meat so imported comes from:—

(a) an EEA state and the quantity does not exceed 10kg; or

(b) a third country, or part thereof, listed in Schedule 1, and the quantity does not exceed 1kg.

Fresh meat imported under authorisation, or for international organisations or visiting forces

7. In relation to the fresh meat described in paragraphs (*a*) to (*c*), regulation 11(1)(*c*), (*d*) and (*e*) shall not apply to—

(a) fresh meat imported with the authorisation of the country of destination for uses other than human consumption;

(b) fresh meat which is intended exclusively for the supply of international organisations;

(c) fresh meat which is intended exclusively for consumption by members of a visiting force or their dependants (as defined in Section 11 of the Visiting Forces Act 1952(**15**)).

(**13**) O.J. No. C241, 29.8.94, p. 21
(**14**) 1954 c. 33 (N.I.)
(**15**) 1952 c. 67

Transhipment and storage of fresh meat consigned to a relevant EEA State from a third country

8. Fresh meat consigned to a relevant EEA State from a third country may be transhipped through, and stored in, Northern Ireland, provided that—

(a) it complies with the conditions of the relevant EEA State to which it is consigned;

(b) it is not unloaded in Northern Ireland or is unloaded at a border inspection post in Northern Ireland; and

(c) during its time in Northern Ireland it remains in a border inspection post, free zone or free warehouse except during any journey to another border inspection post, free zone or free warehouse.

Fresh meat subject to a non-importation Decision

9. A person shall not import any fresh meat to which a non-importation Decision applies.

Fresh meat originating in a relevant EEA State

10. A person shall not import fresh meat which originated in a relevant EEA State other than the United Kingdom unless—

(a) it has been obtained in accordance with Articles 3, 4 and 8*a* of Council Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat(**16**) as amended by the provisions listed in paragraph 1 of Schedule 5;

(b) subject to regulation 12, it has been obtained from animals slaughtered in an establishment on a list of approved establishments drawn up by the relevant EEA State under Article 10 of the fresh meat Directive; and

(c) it satisfies any special importation requirement.

Fresh meat originating in a third country

11.—(1) A person shall not import fresh meat which originates in a third country unless—

(a) it is derived from animals which have remained for at least three months before being slaughtered, or since birth if they were less than three months old when slaughtered, in a third country on the third country list for which imports of fresh meat of the species concerned are indicated as "authorised" on that list;

(b) it has been obtained in accordance with the animal health requirements set down in—

(i) Articles 14(2) and (3) of the third countries Directive; and

(ii) the relevant animal health and certification Decision;

(c) in the case of half carcases, half carcases cut into no more than three cuts, quarters or offal—

(i) the requirements of Chapters VI to VIII, XIV and XV of Annex I to the fresh meat Directive are satisfied; and

(ii) it is derived from animals slaughtered in an establishment on a list in the relevant approved establishments Decision;

(d) in the case of cuts smaller than quarters, boned meat, or offal, or sliced livers of bovine animals,—

(**16**) O.J. No. L302, 31.12.72, p. 24

(i) the requirements of Chapters VI to X, XII, XIV and XV of Annex I to the fresh meat Directive are satisfied; and

(ii) it is derived from carcases cut up in an establishment on a list in the relevant approved establishments Decision;

(e) it bears a health mark applied in accordance with Chapter XI of Annex I to the fresh meat Directive which—

(i) complies with paragraph 50 of that Chapter; or

(ii) indicates, in clearly legible form—

(aa) the name of the country of origin in capitals, an abbreviation of its name or the International Organisation for Standardisation's Code for the country as referred to in the third country list; and

(bb) the veterinary approval number of the establishment from which it has been consigned as assigned by the relevant approved establishments Decision;

(f) it is accompanied by—

(i) documentation in accordance with Article 3.1.A(*f*) of the fresh meat Directive; or

(ii) a public health certificate conforming to the model laid down in Annex A to the third countries Directive and an animal health certificate in accordance with the relevant animal health and certification Decision;

(g) it satisfies any special importation requirement; and

(h) in the case of fresh meat derived from swine or solipeds, it has been examined or treated for trichinae in accordance with Council Directive 77/96/EEC on the examination for Trichinae (Trichinelle spiralis) upon importation from third countries of fresh meat derived from domestic swine(**17**) as amended by the provisions listed in paragraph 3 of Schedule 5.

(2) A person shall not import fresh meat which originates in a third country—

(a) derived from boars or cryptorchid pigs;

(b) derived from animals to which hormonal substances prohibited under Directives 81/602/EEC(**18**) concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action or 88/146/EEC(**19**) prohibiting the use in livestock farming of certain substances having have been administered;

(c) which has been treated with ionising or ultra-violet radiation;

(d) derived from animals to which tenderisers or other products likely to affect adversely the composition or organoleptic characteristics of the meat have been administered;

(e) to which, for the purpose of health marking, any colouring matter other than those referred to in paragraph 58 of Chapter XI of Annex I to the fresh meat Directive has been added;

(f) derived from animals which have been found—

(i) to have any form of tuberculosis;

(ii) to be carrying any cysticerci bovis or cysticerci cellulosae, whether live or dead; or

(iii) in the case of swine, to have trichinae;

(g) derived from animals slaughtered too young; or

(h) in pieces of less than 100 grams.

(**17**) O.J. No. L26, 31.1.77, p. 67
(**18**) O.J. No. L222, 7.8.81, p. 32
(**19**) O.J. No. L70, 16.3.88, p. 16