

S.I. No. 464 of 2001**European Communities (Examination of Pigmeat for Trichinae upon Importation from Third Countries ) Regulations, 2001**

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive 77/96/EEC of 21 December, 1976 <sup>(1)</sup>, hereby make the following Regulations:

*Citation, commencement and scope*

1. (1) These Regulations may be cited as the European Communities (Examination of Pigmeat for Trichinae upon Importation from Third Countries) Regulations, 2001.
- (2) These Regulations apply without prejudice to obligations arising from customs rules or any other national or European Community legislation applicable to pigmeat.

*Definitions*

2. (1) In these Regulations-

“authorised officer” means-

- (a) an inspector within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966) or
- (b) a person appointed as an authorised officer under Regulation 19 of the European Communities (Veterinary Checks on Products Imported from Third Countries) Regulations, 2000 (S.I. No. 292 of 2000) or
- (c) a person appointed under Regulation 8 as an authorised officer.

“pigmeat” means fresh (including frozen) meat of domestic swine containing skeletal or striated muscles;

“Directive” means Council Directive 77/96/EEC of 21 December 1976 on the examination for trichinae (*trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine as amended by Council Directives 81/476/EEC of 24 June 1981 <sup>(2)</sup> and 83/91/EEC of 7 February 1983 <sup>(3)</sup>, Commission Directive 84/319/EEC of 7 June 1984 <sup>(4)</sup>, Regulation (EEC) 3768/85 of 20 December 1985

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<sup>1</sup> O.J. No. L26 of 31.1.1977, p. 67

<sup>2</sup> O.J. No. L186 of 8.7.1981, p. 20

<sup>3</sup> O.J. No. L59 of 5.3.1983, p. 34

<sup>4</sup> O.J. No. L167 of 27.6.1984, p. 34

(<sup>5</sup>) and Commission Directives 89/321/EEC of 27 April 1989 (<sup>6</sup>) and 94/59/EC of 2 December 1994 (<sup>7</sup>);

“Directive 72/462/EEC” means Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (<sup>8</sup>);

“veterinary inspector” means an authorised officer who is a veterinary surgeon.

- (2) In these Regulations a reference to –
- (a) a Regulation is to a Regulation of these Regulations,
  - (b) a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs and
  - (c) to an Article or Annex by number is a reference to an Article or Annex so numbered in the Directive

unless it appears that reference to some other provision is intended.

- (3) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Directive.

*Requirement to comply with legislation*

3. (1) A person shall not import or attempt to import pigmeat from a third country unless the requirements of Regulation 4, 5, 6 or 7 are complied with.
- (2) A person who intends to import pigmeat from a third country shall, at least two working days before the arrival of the pigmeat, give notice to an authorised officer at the intended border inspection post of arrival of whether authorisation to import is sought on the basis of Regulation 4,5,6 or 7.
- (3) A person shall not have in his possession or under his control pigmeat originating in a third country in respect of which the person knows that the requirements of these Regulations and the Directive have not been complied with or has reasonable grounds for so suspecting.

*Examination in third country*

4. Where pigmeat has been examined in the exporting third country to detect the presence of trichinae, importation shall be authorised provided-
- (a) such examination has been carried out-

<sup>5</sup> O.J. No. L362 of 31.12.1985, p. 8

<sup>6</sup> O.J. No. L133 of 17.5.1989, p. 33

<sup>7</sup> O.J. No. L315 of 8.12.1994, p. 18

<sup>8</sup> O.J. No. L302 of 31.12.1972, p. 28

- (i) in a slaughterhouse in the exporting country approved in accordance with Article 4 of Directive 72/462/EEC and Article 4 and
  - (ii) in accordance with the requirements of Article 2 and in accordance with one of the methods provided for in Annex 1
- and
- (b) the outcome of such examination is negative and
  - (c) the pigmeat is accompanied by a public health certificate referred to in Article 22 of Directive 72/462/EEC that states that the pigmeat has been subject to an examination for trichinae.

*Examination at border inspection post*

5. (1) Where pigmeat originating in a third country is examined to detect the presence of trichinae at a border inspection post situated in the State, importation will be authorised provided-
  - (a) the examination is conducted in accordance with the directions of a veterinary inspector,
  - (b) such examination is carried out in accordance with Article 2 and in accordance with one of the methods provided for in Annex 1,
  - (c) the outcome of such examination is negative and
  - (d) the border inspection post is on a list of inspection posts drawn up under Article 7 at which examination for the purposes of the Directive may take place.
- (2) Following the taking of samples of the pigmeat for the purposes of examination for the presence of trichinae no person shall interfere with or move the pigmeat until the results of such examination are known.
- (3) If the outcome of the examination is negative an authorised officer shall mark the meat in accordance with Article 2 and Annex III.

*Freezing in third country*

6. Where pigmeat has been frozen in the exporting third country, importation shall be authorised provided-
  - (a) such freezing is carried out-
    - (i) in an establishment in the exporting country authorised in accordance with Article 4 of Directive 72/462/EEC and Article 4 to carry out freezing treatment and
    - (ii) in accordance with the provisions of Annex IV

and

- (b) the pigmeat is accompanied by a public health certificate referred to in Article 22 of Directive 72/462/EEC that states that the pigmeat has undergone cold treatment.

*Freezing at border inspection post*

7. (1) Where pigmeat originating in a third country is frozen at a border inspection post situated in the State, importation will be permitted provided-
  - (a) such freezing is carried out-
    - (i) in accordance with the provisions of Annex IV and
    - (ii) under the supervision and in accordance with the directions of an authorised officer and
  - (b) the border inspection post is on a list of inspection posts drawn up under Article 7 at which freezing for the purposes of the Directive may take place.
- (2) Where permission to import is sought under this Regulation the owner or person in charge of the pigmeat shall maintain and produce to an authorised officer such records, certificates or other documents and such information as the officer may reasonably require for the purposes of his functions under the Directive and these Regulations.
- (3) No person shall interfere with or move the pigmeat once freezing has commenced or do anything to obstruct the freezing process.
- (4) If a veterinary inspector is satisfied that the pigmeat has been frozen in accordance with the provisions of Annex IV he shall issue the certification referred to in Article 3.3.

*Appointment and powers of authorised officers*

8. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of these Regulations.
- (2) An authorised officer, when exercising a power conferred on him by these Regulations shall, if so requested by any person affected, produce evidence in writing of the authorised officer's appointment as an authorised officer.
- (3) An authorised officer may for the purposes these Regulations and the Directive-
  - (a) at any time enter any premises or place where pigmeat originating in a third country is being held pending

- (i) the issue of the authorisation to import,
    - (ii) the commencement or completion of freezing or issue of certification for the purposes of Regulation 7 or
    - (iii) the taking of samples, completion of the examination or marking of meat for the purposes of Regulation 5,
  - (b) there, inspect any pigmeat, certificate, document, record, equipment or thing,
  - (c) take, without payment of compensation, such samples of any pigmeat as he may reasonably require for the purposes of his functions under these Regulations or the Directive and carry out or have carried out on the samples such examinations as he considers necessary or expedient for the purposes of such functions,
  - (d) there or at any other place, carry out or have carried out such checks and inspections of the premises and any equipment, machinery or plant found there as he reasonably considers necessary or expedient for the purposes of such functions,
  - (e) require the person who is for the time being in charge of the pigmeat to refrain from moving or interfering with it,
  - (f) require any person at the premises or place or the person who is for the time being in charge of the pigmeat to produce to him such books, certificates, documents and other records, and to give to him such information, as he may reasonably require for the purposes of such functions and
  - (g) examine and take copies of, or extracts from, any such records as aforementioned.
- (4) A person shall not obstruct or impede an authorised officer in the performance of his functions under these Regulations or the Directive.

### *Offences*

9. (1) A person who contravenes a provision of these Regulations is guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1500 or to imprisonment for a term not exceeding 6 months or to both.
- (2) An offence under these Regulations may be prosecuted by the Minister.
- (3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Given under my Official Seal  
This 17 day of October , 2001.

L.S.

Joe Walsh

Minister for Agriculture, Food and Rural  
Development.

#### EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations give effect to Directive 77/96/EEC which requires that pigmeat imported from third countries be tested or appropriately treated to ensure that it is not contaminated with trichinae.

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