

S.I. No. 108 of 2001

**Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Import Restrictions) (No.3) Order,
2001**

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred by me by section 3 and 30 of the Diseases of Animals Act, 1966 (No. 6 of 1966) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order, 1999 (S.I. No. 307 of 1999)) and for the purpose of giving effect to the Commission Decision 2001/223/EC¹, hereby order as follows:-

Citation

1. This Order may be cited as the Diseases of Animals Act, 1966 (Foot-and-Mouth Disease)(Import Restrictions) (No.3) Order, 2001.

Interpretation

2. (1) In this order-

“authorised officer” means a person authorised under section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act, 2001) of the Diseases of Animals Act, 1966 (No. 6 of 1966);

“animal” means an animal of the bovine, ovine, caprine or porcine species or other biungulate;

“Commission Decision” means Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands;

“meat products” has the meaning given in Article 2 of Council Directive 77/99/EEC² on health problems affecting the production and marketing of meat products and certain other products of animal origin;

“milk” and “milk products” have the meaning given in Article 1 of Council Regulation (EC) No. 1255/1999³ on the common organisation of the market in

¹ O.J. L 82 of 22.3.2001, p.29.

² O.J. L 26 of 31.1.1977, p.85

milk and milk products;

“restricted areas” means the provinces of Gelderland, Overijssel, Flevoland and Noord Brabant in the Netherlands.

- (2) A word or expression that is used in this Order and is also used in the Commission Decision has, unless the contrary intention appears, the meaning in this Order that it has in the Commission Decisions.
- (3) In this Order -
 - (a) a reference to an Article is to an Article of this Order, unless it appears that reference to some other enactment is intended, and
 - (b) a reference to a paragraph is to the paragraph of the provision in which reference occurs, unless it is indicated that reference to some other provision is intended.

Imports of live animals

- 3. (1) A person may not import an animal from the restricted areas or through any place in the restricted areas. (2) Subject to paragraph (2), a person shall not import a live animal from the Netherlands or through any place in the Netherlands.
- (2) Subject to paragraphs (3) and (4), a person may import an animal to which paragraph (1) refers that has originated outside the Netherlands if the animal travelled through the Netherlands in direct and uninterrupted transit on main roads or by rail.
- (3) An animal being imported through the Netherlands in accordance with paragraph (2) must be accompanied by -
 - (a) in the case of an animal of the ovine or caprine species, a certificate, in the form prescribed by Council Directive 91/68/EC⁴

³ O.J. L 160 OF 26.6.1999, p.48.

⁴ O.J. L 46 of 19.2.1991, p.19

(as last amended by Commission Decision 94/953/EC⁵) issued by an official veterinarian that bears the words “ Animals conforming to Commission Decision 2001/223/EC concerning certain protective measures with regard to foot-and-mouth disease in the Netherlands.”,

- (b) in the case of an animal of the bovine or porcine species, a certificate, in the form prescribed by Council Directive 64/432/EEC⁶ (as last amended by Directive 2000/20/EC⁷) issued by an official veterinarian that bears the words specified in subparagraph (a), or
- (c) in the case of an animal, other than a member of the bovine caprine, ovine or porcine species, a certificate, in issued by an official veterinarian that bears the words “ Live biungulates conforming to Commission Decision 2001/223/EC concerning certain protective measures with regard to foot-and-mouth disease in the Netherlands.”.

- (4) A person shall not import an animal to which paragraph (2) refers unless and until three days advance notification has been received by the Department of Agriculture, Food and Rural Development from the dispatching competent authority in the Netherlands.
- (5) It shall be the responsibility of the person proposing to import Animal under this Article to ensure that paragraph (4) has been complied with.

⁵ O.J. L 371 of 31.12.1994,

⁶ O.J. L 121 of 29.7.1964, p. 1977/64.

⁷ O.J. L 163 of 4.7.2000, p. 35.

Import of fresh meat

- 4 (1) (a) Subject to paragraph (2), a person shall not import the fresh or frozen meat of animals from the restricted areas or through any place in the restricted areas.
- (b) Subject to paragraph (4), a person shall not import the fresh or frozen meat of animals from the Netherlands or through any place in the Netherlands.
- (2) Subject to paragraphs (3) and (4), a person may import fresh or frozen meat-
- (a) Obtained before 20 February, 2001 from animals if that meat is clearly identified and since that date has been transported and stored separately from meat which is not being moved from the restricted areas,
- (b) Obtained from animals that conform to paragraphs (2) and (3) of Article 3, or
- (c) Obtained from a cutting plant situated in the restricted areas (that does not process meat derived from an animal to which Article 3(1) refers), operated under strict veterinary control which meat is not derived from an animal to which Article 3(1) applies.
- (3) Meat to which paragraph (2)(c) applies must clearly identified and bear the health mark in accordance with Chapter XI to Council Directive 64/433/EEC⁸ on animal health problems affecting intra-Community trade in fresh meat clearly identified
- (4) A person may not import meat under this Article unless it is accompanied by a certificate issued by a veterinary inspector in the Netherlands that bears the words – “Meat conforming to Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands”.

Import of meat products

⁸ O.J. L 47 of 21/2/1980, p.4.

- 5 (1) (a) Subject to paragraph (2), a person shall not import meat products derived from animals to which Article 3(1) applies.
- (b) Subject to paragraph (3), a person shall not import meat products from the Netherlands or through any place in the Netherlands.
- (2) Subject to paragraph (3) a person may import meat products -
- (a) that have have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC⁸ as last amended by 91/687/EEC⁹ on animal health problems affecting intra-Community trade in meat products,
- (b) as defined in Council Directive 77/99/EEC as last amended by Council Directive 97/76/EC¹⁰ on animal health problems affecting intra-Community trade in meat products that have been subject during preparation uniformly throughout the substance to a pH value of less than 6,
- (c) meat products that conform to Article 4(2)(a),
- (d) that conform to sub-paragraphs (a) or (b) that are consigned in hermetically sealed containers and where compliance with the aforementioned sub-paragraphs is stated in the commercial document accompanying the consignment, or
- (e) that otherwise conform with either Article 3 or 11 of the Commission Decision.
- (3) A person may not import a meat product under this Article unless the product is accompanied by
- (a) a certificate issued by an official veterinarian which bears the words- “Meat products conforming to Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in France”, or

⁹ O.J. L 377 of 31.12.1991, p.16.

¹⁰ O.J. L 10 of 16.1.1998, p.25.

- (b) Subject to Article 11, in respect of a meat product to which either sub-paragraph (a) or (b) of paragraph (2) refers and that is hermetically sealed, unless accompanied by a commercial document that states that the products complies with the conditions laid down in Article 3.2 of the Commission Decision

Import of milk

- 6 (1) (a) Subject to paragraph (2), a person shall not import milk from the restricted area or through any place in the restricted area.
 - (b) Subject to paragraph (3), a person shall not import milk from the Netherlands or through any place in the Netherlands
- (2) Subject to paragraph (3), a person may import milk:-
- (a) That has been subjected to an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex 1 to Council Directive 92/118/EEC¹¹ followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above,
 - (b) That has been subjected to an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex 1 to Directive 92/118/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour,
 - (c) That conforms to sub-paragraphs (a) or (b) and is consigned in hermetically sealed container where compliance with the aforementioned sub-paragraphs is stated in the commercial document accompanying the consignment, or
 - (d) That otherwise conforms with Article 4 of the Commission Decision.

¹¹ O.J. L 62 of 15.3.1993, p.49.

- (2) A person may not import milk under this Article unless-
- (a) the milk is accompanied by an official certificate issued an official which bears the words- "Milk conforming to Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands", or
 - (b) Subject to Article 11, in the case of milk that conforms to paragraph (2)(c), the milk is accompanied by a commercial document that states that the product complies with the conditions laid down in Article 4.2 of the Commission Decision.

Import of milk products

- 7 (1) (a) Subject to paragraph (2), a person shall not import a milk product from the restricted area or through any place in the restricted area.
- (b) Subject to paragraph (3), a person shall not import a milk product from the Netherlands or through any place in the Netherlands.
- (2) Subject to paragraph (3), a person may import a milk product
- (a) Produced before 20 February 2001,
 - (b) That has been subjected to heat treatment at a temperature of at least 71.7°C for 15 seconds or an equivalent treatment,
 - (c) That has been prepared from milk which complies with Article 6, or
 - (d) That otherwise conforms with Article 5 of the Commission Decision.
- (3) A person may not import a milk product under this Article unless -
- (a) The milk product is accompanied by an official certificate issued by an official veterinarian which bears the words- "Milk products conforming to Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands" or

- (b) subject to Article 11, the milk product conforms to paragraph (2) contained in hermetically sealed containers, it is accompanied by a commercial document that states that the product complies with the conditions laid down in Article 5.2 of the Commission Decision.

Import of semen, etc.

- 8
 - (1)
 - (a) Subject to paragraph (2), a person shall not import semen, ova or embryos of animals from the restricted area or through any place in the restricted area.
 - (b) Subject to paragraphs (3) and (4), a person shall not import semen, ova or embryos of animals from or through any place in the Netherlands
 - (2) Subject to paragraphs (3) and (4), a person may import frozen bovine semen and embryos produced before 20 February 2001.
 - (3) A person shall not import bovine semen unless it is accompanied by a health certificate provided for in Council Directive 88/407/EEC¹², as last amended by the Act of Accession of Austria, Finland and Sweden that bears the words: “Frozen bovine semen conforming to Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands”.
 - (4) A person shall not import bovine embryos unless accompanied by a health certificate provided for in Council Directive 88/556/EEC¹³, as last amended by the Act of Accession of Austria, Finland and Sweden that bears the words: “Bovine embryos conforming to Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands”.

Import of hides and skins

¹² O.J. L 194 of 22.7.1988, p.10.

- 9 (1) (a) Subject to paragraph (2), a person shall not import the hides or skins of animals from the restricted areas or through any place in the restricted areas.
- (b) Subject to paragraphs (3) and (4), a person shall not import hides or the skins of animals from the Netherlands or through any place in the Netherlands.
- (2) Subject to paragraphs (3) and (4), a person may import hides and skins that -
- (a) Were produced before 20 February 2001, or
- (b) That conform to the requirements of paragraph 1 (A) indents 2 to 5 of Chapter 3 of Annex 1 to Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC¹⁴ and, as regards pathogens, to Directive 90/425/EEC¹⁵, or
- (c) That conform to the requirements of paragraph 1 (B), indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.
- (2) A person may not import hides and skins unless effectively treated hides and skins are separated from untreated hides and skins.
- (3) A person shall not import -

¹³ O.J. L. 302 of 19 19.10.1989, p.1.

¹⁴ O.J. L 395 of 30.12.1989, p. 13.

¹⁵ O.J. L 363 of 27.12.90,, p.51.

- (a) hides or skins unless accompanied by a certificate issued by the that bears the words: "Hides and skins conforming to Commission Decision 2001/223/EEC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands", or
- (b) Subject to Article 11, hides or skins to which either subparagraph (b) or (c) of paragraph (2) refers unless accompanied by a commercial document that states treatment of the hides and skins concerned complies with the conditions required for the treatment laid down in paragraph 1(B) indents 3 and 4 of Chapter 3 of Annex 1 to Council Directive 92/118/EEC.

Import of animal products

- 10 (1) (a) Subject to paragraph (2), a person shall not import animal products not otherwise mentioned in this Order from the restricted areas or through any place in the restricted areas.
- (b) Subject to paragraph (3), a person shall not import animal products not otherwise mentioned in this Order from the Netherlands or through any place in the Netherlands.
- (2) Subject to paragraph (3) a person may import -
- (a) animal products which have been subjected to-
- (i) Heat treatment in a hermetically sealed container with a Fo value of 3.00 or more; or
- (ii) Heat treatment in which the centre temperature is raised to at least 70°C;
- (b) Blood and blood products as defined in Chapter 7 to Annex I to Directive 92/118/EEC that have been subject to -
- (i) Heat treatment at a temperature of 65 C for at least three hours followed by an effectiveness check,
- (ii) Irradiation at 2.5 megarads or gamma rays followed by an effectiveness check, or

Change of pH to pH 5 or lower for a least two hours followed by an effectiveness check,

- (c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2(*A) of Chapter 9 of Annex 1 to Council Directive 92/118/EEC,
 - (d) animal casings that conform with paragraph B of Chapter 2 of Annex 1 to Council Directive 92/118/EEC,
 - (e) Unprocessed sheep wool and ruminant hair which is securely enclosed in packaging and dry,
 - (f) semi-moist and dried pet food conforming to paragraphs 2 and 3 respectively of Chapter 4 of Annex to Directive 92/118/EEC,
 - (g) Composite products that contain material of animal origin not subject to further treatment provided the ingredients of such products conform with the conditions laid down in the Commission Directive, or
 - (h) game trophies in accordance with paragraph 2(b) of Part B in Chapter 13 of Annex I to Council Directive 92/118/EC.
- (3) A person shall not import a product to which this article refers unless it is accompanied by -
- (a) a certificate issued by the Netherlands Authorities that bears the words: "Animal Products conforming to Commission Decision 2001/223/EEC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands", or
 - (b) Subject to Article 11, in the case of a product referred to in subparagraphs (b), (c), (d) or (e) of paragraph (2), a commercial document that states the products are in compliance with relevant community legislation.

11. A commercial document referred to in Articles 5(3)(b), (6)(3)(b), 7(3)(b), 9(4)(b), or, as the case may be, 10(2)(b) shall be accompanied by a certificate from the Netherlands authorities, issued within a specified period no greater than 30 days prior to the date of import, stating

- (a) that production process relating to the product being

- accompanied has been audited ,
- (b) the process has been found to be in compliance with the appropriate requirements in Community legislation suitable to destroy the foot and mouth virus, and
 - (c) measures are in place to avoid possible re-contamination with the foot and mouth virus after treatment.
- 12 A person shall not import animal dung or manure from the Netherlands or through any place in the Netherlands.
- 13 A person shall not export a live animal to the Netherlands.
- 14 A person shall not have in his possession or under his or her control, sell or supply
- (a) an animal to which article 3 relates save under and in accordance with paragraphs (2) and (3) of that article,
 - (b) fresh or frozen meat to which article 4 relates save under and in accordance with paragraphs (2) and (3) of that article,
 - (c) an animal product to which article 5 relates save under and in accordance with paragraphs (2) and (3) of that article,
 - (d) milk to which article 6 relates save under and in accordance with paragraphs (2) and (3) of that article,
 - (e) a milk product to which article 7 relates save under and in accordance with paragraphs (2) and (3) of that article,
 - (f) Semen, ova or embryos to which article 8 relates save frozen bovine semen and ova under and in the paragraphs (2), (3) and (4) of that article,
 - (g) hides or skins of animals to which article 9 relates save under and in accordance with paragraph (2), (3) and (4) of that article,
 - (h) an animal product to which article 10 relates save under and in accordance with paragraph (2) of that article, or
 - (i) dung or manure to which Article 12 relates.

GIVEN under my Official Seal,
28 March, 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)

This Order gives effect to Commission Decision no.2001/223/EC concerning certain protection measures with regard to foot and mouth disease in the Netherlands.

Pn. 9770

Published by the Stationery Office, Dublin

Price £2.00 (€2.54)

