

S.I. No. 110 of 2001.
Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Export and Movement Restrictions)
Order, 2001

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on 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 Commission Decision No 2001/234/EC of 22 March, 2001¹¹ hereby order as follows:-

Citation

1. (1) This Order may be cited as the Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Export and Movement Restrictions) 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;
 - "animal" means an animal of the bovine, ovine, caprine or porcine species or other biungulate;
 - "Commission Decision" means Commission Decision No. 2001/234/EC of 22 March, 2001 concerning certain protection measures with regard to foot-and-mouth disease in Ireland;
 - "meat product" has the meaning given in Article 2 of Council Directive 77/99/EEC²³ 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 Directive No. 92/46/EEC³³ on the common organisation of the market in milk and milk products;
 - "specified area" means County Louth;
 - "State" means the State other than County Louth.
- (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 the reference occurs, unless it is indicated that reference to some other provision is intended.

Export of live animals

- 3 (1) (a) Subject to paragraph (2), a person shall not export a live animal from the State or through any place in the State.
- (b) A person shall not export a live animal from or through the specified area.
- (c) A person shall not move a live animal from or through a place in the specified area.
- (d) A person shall not move a live animal from a place within the State to or through a place within the specified area.
- (e) A person shall not move a live animal from a place within the specified area to another place within the specified area.
- (2) Subject to paragraph (3), a person may export an animal to which paragraph (1)(a) refers that has originated outside the State, other than an animal from France the United Kingdom or the Netherlands, if the animal travelled through the State in direct and uninterrupted transit on main roads or by rail, and
- (a) an animal of the ovine or caprine species, must be accompanied by a certificate, in the form prescribed by Council Directive 91/68/EC⁴⁵ (as last amended by Commission Decision 94/953/EC⁵⁶ issued by a veterinary Inspector that bears the words specified in Article 1.3 of the Commission Decision,
- (b) an animal of the bovine or porcine species must be accompanied by a certificate, in the form prescribed by Council Directive 64/432/EEC⁶⁷ (as last amended by Directive 2000/20/EC⁷⁸) issued by a Veterinary Inspector that bears the words specified in sub-paragraph (a), or
- (c) an animal, other than a member of the bovine caprine, ovine or porcine species, must be accompanied by a certificate, issued by a Veterinary Inspector that bears the words specified in Article 1.3 of the Commission Decision.
- (3) A person shall not export an animal to which paragraph (2) refers to another Member State unless and until three days advance notification has been dispatched by the Department of Agriculture, Food and Rural Development to the competent authority in the place of destination.
- (4) It shall be the responsibility of the person proposing to export an animal under this Article to ensure that paragraph (3) has been complied with.

Export of fresh meat

- 4 (1) (a) Subject to paragraph (2), a person shall not export from the specified area the fresh or frozen meat of animals, including minced meat and meat preparations, from the specified area or through any place in the specified area.
- (b) Subject to paragraph (4), a person shall not export the fresh or frozen meat of animals from the State.

- (2) Subject to paragraphs (3) and (4), a person may export 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 exported or otherwise moved from the specified area,
 - (b) obtained from animals that conform to paragraphs (2) and (3) of Article 3, or
 - (c) obtained from a cutting plant situated in the specified area (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 be clearly identified and bear the health mark in accordance with Chapter XI to Council Directive 64/433/EEC⁸⁹ on animal health problems affecting intra-Community trade in fresh meat.
- (4) A person may not export meat under this Article unless it is accompanied by a certificate issued by a veterinary inspector that bears the words specified in Article 2.3 of the Commission Decision.

Export of meat products

- 5. (1) (a) Subject to paragraph (2), a person shall not export from the specified area the fresh or frozen meat of animals, including minced meat and meat preparations, from the specified area or through any place in the specified area.
- (b) Subject to paragraph (3), a person shall not export the meat products from the State.
- (2) Subject to paragraph (3), a person may export meat products -
 - (a) that have have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC⁹⁹ as last amended by 91/687/EEC¹⁰⁰ 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/EC¹¹¹ 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 export a meat product under this Article unless the product is accompanied by
 - (a) a certificate issued by a veterinary inspector which bears the words specified in Article 3.4 of the Commission Decision
 - (b) subject to Article 11, in respect of a meat product to which either subparagraph (a) or (b) of paragraph (2) refers and that is hermetically sealed, unless accompanied by a commercial document that states that the product complies with the conditions laid down in Article 3.2 of the Commission Decision

Export of milk

- 6 (1) (a) Subject to paragraph (2), a person shall not export milk from the specified area or through any place in the specified area.
 - (b) Subject to paragraph (3), a person shall not export milk from the State.
- (2) Subject to paragraph (3), a person may export 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/EEC¹²¹² 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, or
 - (c) that otherwise conforms with Article 4 of the Commission Decision.
- (3) A person may not export milk under this Article unless-
 - (a) the milk is accompanied by an official certificate issued by the Irish authorities which bears the words specified in Article 4.4 of the Commission Decision, or
 - (b) subject to Article 11, the milk is accompanied by a commercial document that states that the product complies with the conditions laid down in Article 4.2 (a) or (b) of the Commission Decision.

Export of milk products

- 7 (1) (a) Subject to paragraph (2), export a milk product from the specified area or through any place in the specified area.
 - (b) Subject to paragraph (3), a person shall not export a milk product from the State.

- (2) Subject to paragraph (3), a person may export a milk product -
 - (a) produced before 20 February 2001,
 - (b) that has been subjected to heat treatment at a temperature of at least 72°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 export a milk product under this Article unless -
 - (a) the milk product is accompanied by an official certificate issued by the Irish authorities which bears the words specified in Article 5.4 of the Commission Decision, or
 - (b) subject to Article 11, the milk product 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.

Export of semen, etc.

- 8 (1) (a) Subject to paragraph (2), a person shall not export or otherwise move semen, ova or embryos of animals into or from the specified area or through any place in the specified area.
 - (b) Subject to paragraphs (3) and (4), a person shall not export semen, ova or embryos of animals from the State.
- (2) Subject to paragraphs (3) and (4), a person may export frozen bovine semen and embryos produced before 20 February 2001 from the State.
- (3) A person shall not export bovine semen unless it is accompanied by a health certificate provided for in Council Directive 88/407/EEC¹³, as last amended by the Act of Accession of Austria, Finland and Sweden that bears the words specified in Article 6.4 of the Commission Decision.
- (4) A person shall not import bovine embryos unless accompanied by a health certificate provided for in Council Directive 88/556/EEC¹⁴, as last amended by the Act of Accession of Austria, Finland and Sweden that bears the words specified in Article 6.5 of the Commission Decision.

Export of hides and skins

- 9 (1) (a) Subject to paragraph (2), a person shall not export or otherwise move hides or the skins of animals from the specified area or through any place in the specified area.
 - (b) Subject to paragraphs (3) and (4), a person shall not export hides or the skins of animals from the State.
- (2) Subject to paragraphs (3) and (4), a person may export 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 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/EEC¹⁵ and, as regards pathogens, to Directive 90/425/EEC¹⁶, 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 1989/662/EEC and, as regards pathogens, to Directive 1990/425/EEC.
- (3) A person may not export hides and skins unless effectively treated hides and skins are separated from untreated hides and skins.
- (4) A person shall not export -
 - (a) hides or skins unless accompanied by a certificate issued by a Veterinary Inspector that bears the words specified in Article 7.3 of the Commission Decision, or
 - (b) subject to Article 11, hides or skins to which either sub-paragraph (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.

Export of animal products

- 10(1)
 - (a) Subject to paragraph (2), a person shall not export or otherwise move animal products not otherwise mentioned in this Order from the specified area.
 - (b) Subject to paragraph (3), a person shall not export animal products not otherwise mentioned in this Order from the State.
- (2) Subject to paragraph (3), a person may export -
 - (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
 - (iii) change of pH to pH 5 or lower for at 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) sheep wool, ruminant hair and pigs bristles which have undergone factory washing or have been obtained from tanning and sheep wool, ruminant hair and pigs bristles that 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/EEC.
- (3) A person shall not export a product to which this article refers unless it is accompanied by -
- (a) a certificate issued by the Irish authorities that bears the words specified in Article 8.3 of the Commission Decision, 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(3)(b) shall be accompanied by a certificate from the Irish authorities issued within a specified period, no greater than 30 days, prior to the date of export, 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 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 accordance with 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 paragraphs (2), (3) and (4) of that article, or
- (h) an animal product to which article 10 relates save under and in accordance with paragraphs (2) of that article.

13. This Order is in addition to and not in substitution for the Foot-and-Mouth Disease Order, 1956 (S.I. No. 324 of 1956), the Foot and Mouth (Restriction on Movement) (No. 3) Order, 2001 (S.I. No. 62 of 2001) and the Foot and Mouth (Restriction on Movement) (No. 4) Order, 2001 (S.I. No. 63 of 2001).



GIVEN under my Official Seal, 28
March, 2001.

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. 2001/234/EC of 22 March 2001 concerning certain protection measures with regard to Foot and Mouth Disease in Ireland.

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¹¹ O.J.L 84 of 23.3.2001, p.62

²³ O.J.L26 of 31.1.1977, p85.

³³ O.J.L 268 of 14.9.92, p.1

⁴⁵ O.J. L 46 of 19.2.1991, p 19.

⁵⁶ O.J. L 371 of 31.12.1994.

⁶⁷ O.J. L 121 of 29.7.1964, p. 1977/64.

⁷⁸ O.J. L 163 of 4.7.2000, p.35.

⁸⁹ O.J.L 121 of 29.7.1964, p.2012/64

⁹⁹ O.J..L 47 of 21.2.1980, p.4

¹⁰¹⁰ O.J. L 377 of 31.12.1991, p.16.

¹¹¹¹ O.J. L 10 of 16.1.1998, p.25.

¹²¹² O.J. L 62 of 15.3.1993, p.49.

¹³¹³ O.J. L 194 of 22.7.1988, p.10.

¹⁴¹⁴ O.J. L 302 of 19.10.1989, p.1.

¹⁵¹⁵ O.J. L 395 of 30.12.1989, p. 13.

¹⁶¹⁶ O.J. L 363 of 27.12.90, p.51.