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STATUTORY INSTRUMENTS

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**2002 No. 2357**

**AGRICULTURE, ENGLAND**

**The Bovines and Bovine Products (Trade)  
(Amendment) (England) Regulations 2002**

<i>Made</i>	- - - -	<i>13th September 2002</i>
<i>Laid before Parliament</i>		<i>16th September 2002</i>
<i>Coming into force</i>	- -	<i>7th October 2002</i>

The Secretary of State for Environment, Food and Rural Affairs, being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred by the said section 2(2), and vested in her<sup>(3)</sup>, makes the following Regulations:

**Title, extent and commencement**

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) (Amendment) (England) Regulations 2002; they shall extend to England and shall come into force on 7 October 2002.

**Amendment of the Bovines and Bovine Products (Trade) Regulations 1999**

2.—(1) The Bovines and Bovine Products (Trade) Regulations 1999<sup>(4)</sup> shall be amended as respects England in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

- (a) the definition of “bovine embryo” shall be revoked;
- (b) after the definition of “establishment” there shall be inserted the following definition—  
““export approved establishment” means an establishment approved as such under regulation 12 below;”;
- (c) the definition of “export dedicated establishment” shall be revoked.

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) The functions of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) of this Act was transferred to the Secretary of State by S.I. 2002/794.

(4) S.I. 1999/1103, amended by S.I. 1999/1554, S.I. 2000/656 and S.I. 2000/1667.

(3) In regulation 3 (Trade in live animals, bovine embryos, mammalian meat and bone meal and related products), in sub-paragraph (a) of paragraph (1) the words “or bovine embryo” are deleted.

(4) After regulation 5 there shall be inserted the following regulation—

**“Offers to despatch**

**5A.** No person shall offer to despatch, consign, or accept orders for the despatch or consignment of anything prohibited from being despatched or consigned by these Regulations.”

(5) In regulation 10 (Approval of establishments for the slaughter of DBES eligible animals and preparation of DBES goods)—

(a) for paragraph (3)(c) there shall be substituted the following—

“(c) that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleansed and disinfected after such use;”;

(b) in paragraph (3)(e)(i) for the words “export dedicated establishment” there shall be substituted the words “export approved establishment”.

(6) In regulation 12 (Approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES and ECHS goods and foreign origin bovine by-products)—

(a) in paragraph (2)(a)(i) for the words “export dedicated establishment” there shall be substituted the words “export approved establishment” and for the words “export dedicated establishments” there shall be substituted the words “export approved establishments”;

(b) paragraph (2)(a)(ii) shall be revoked;

(c) in paragraph (3) the following sub-paragraphs shall be revoked: (a), (b) and (e);

(d) for paragraph (3)(c) there shall be substituted the following—

“(c) that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleansed and disinfected after such use;”;

(e) in paragraph (3)(d) the words “in respect of an export dedicated establishment” are deleted and for the words “to these Regulations” there are substituted the following “or 3 to these Regulations or both as appropriate”; and

(f) in paragraph (4) for the words “export dedicated establishment or an application for approval of an establishment which is not an export dedicated establishment” there are substituted the following “export approved establishment for the preparation of DBES goods or an application for an export approved establishment for the preparation of foreign origin export eligible goods”.

(7) In regulation 13 (Requirements imposed on the operator of an establishment approved under regulation 12)—

(a) in paragraphs (2)(b) and (4)(c) for the words “export dedicated establishment” there are substituted the words “export approved establishment”;

(b) in paragraph (2)(b) for the words “to these Regulations” there are substituted the following “or 3 to these Regulations or both as appropriate”; and

(c) paragraph (2)(c) is revoked.

(8) In regulation 17 (Seizure of illegal goods)—

- (a) for paragraph (7) there shall be substituted the following paragraph—
  - “(7) Where the justice of the peace, on the basis of such evidence as he or she considers to be appropriate in the circumstances, is satisfied that a consignment is illegal, but is also satisfied that there is no relevant risk in respect of the consignment if it is returned to the owner, he shall order—
    - (a) the consignment to be returned to the owner; and
    - (b) any expenses reasonably incurred in connection with storage of the consignment to be defrayed by the owner of the consignment.”;
- (b) After paragraph (7) there shall be inserted the following paragraph—
  - “(7A) Subject to paragraph (7B), where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraphs (6) or (7), the body who appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.
  - (7B) Paragraph (7A) shall not apply if the notice was served because the consignment was not accompanied by the correct documentation or certificate and the consignment was detained until the correct documentation or certificate was provided.”.
- (9) For Schedules 1 to 3 there should be substituted the following schedules—

“SCHEDULE 1

Regulation 10(3)(d)

REQUIRED METHODS OF OPERATION FOR DBES SLAUGHTERHOUSES

<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
<b>1.</b> Slaughterhouse management must agree with the supervising Official Veterinary Surgeon dedicated time periods (DBES periods") when only DBES eligible animals will be slaughtered. No bovine animals, which are not DBES eligible, may be slaughtered during DBES periods.		
<b>2.</b> All bovine animals slaughtered during DBES periods must have been confirmed by official checks before slaughter as being DBES eligible animals.		
<b>3.</b> Before a DBES period can start after non-DBES production, the slaughter hall must first be cleansed and disinfected.		
<b>4.</b> There must be a system at the establishment to ensure that after slaughter DBES meat is traceable		

\* To be completed in respect of each approval

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<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
<p>back to the DBES eligible animal from which it is derived or, in the case of offal which is intended for export, is traceable back to the batch of DBES eligible animals from which it is derived.</p>		
<p>5. There must be a system for recording all DBES eligible animals slaughtered and outgoing DBES fresh meat which ensures that it is possible to cross check consignments entering and leaving the establishment.</p>		
<p>6. All carcasses of DBES eligible animals must have individual numbers correlated with the eartag number and must be marked with an additional distinct mark in the form prescribed in Schedule 5 to The Bovines and Bovine Products (Trade) Regulations 1999 after the meat has been passed fit for human consumption following post mortem inspection.</p>		
<p>7. The additional mark may only be applied to carcasses during DBES periods.</p>		
<p>8. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals, may be ordered only with the authorisation of a veterinary inspector.</p>		
<p>9. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing the additional mark and official seals must be delivered into the control of an inspector in accordance with Regulation 11(7) of The Bovines and Bovine Products (Trade) Regulations 1999 and maintained</p>		

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<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
and applied under the control of an inspector.		
<p><b>10.</b> Carcasses of DBES eligible animals bearing the additional mark must be despatched to export approved establishments except for carcasses of such animals aged under 9 months which may also be despatched abroad. All carcasses must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is not used at the same time for the carriage of any other meat derived from a bovine animal and sealed with an official seal.</p> <p>Where carcasses of DBES eligible animals are destined for placing on the market in the UK they should not bear the additional mark. Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment.</p> <p><b>11.</b> Outside of DBES periods, carcasses of DBES eligible animals must be stored separately from carcasses of non-DBES eligible animals in cold store chambers which are locked under seal so that goods cannot be added or removed without breaking the seal.</p> <p>During DBES periods, carcasses of non-DBES eligible animals must be stored separately from carcasses of DBES eligible animals in cold store chambers, which are locked under seal so that goods cannot be added or removed without breaking the seal. (Lockable rails in chillers are not sufficient to comply with this requirement.)</p>		

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## SCHEDULE 2

Regulations 10 (3)(e)(ii) and 12 (3)(d)

**REQUIRED METHODS OF OPERATION FOR THE PREPARATION  
OF DBES GOODS IN EXPORT APPROVED ESTABLISHMENTS**

<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
<p><b>1.</b> All DBES goods in the establishment must be processed or treated, stored, handled, loaded and unloaded and transported separately, or at different times, from bovine products which are not eligible for despatch abroad.</p>		
<p><b>2.—(1)</b> In respect of the preparation at the establishment of any fresh meat derived from DBES eligible animals, the meat must be deboned and all adherent tissues, including obvious nervous and lymphatic tissues, and the lymph nodes mentioned in paragraph (2) of this requirement, must be removed.</p> <p>(2) The lymph nodes which must be removed with adherent and obvious nervous and lymphatic tissues are:</p> <p style="padding-left: 40px;">popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, presacpular, axilliary and caudal deep cervical.</p>		
<p><b>3.</b> DBES goods must be traceable to the individual animal from which they were derived (for meat prior to cutting) or batch of animals from which they were derived (for meat after cutting). Offal derived from DBES eligible animals must be traceable to the batch of animals from which they were derived.</p>		
<p><b>4.</b> Cold stores must have chambers for storage of carcass meat from DBES eligible animals</p>		

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\* To be completed in respect of each approval

<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
which can be locked under seal so that products cannot be added or removed without breaking the seal. (Lockable rails in chillers are not sufficient to comply with this requirement.)		
<p>5. Stores for packaged meat must have clear and effective segregation (i.e. spatial separation) between DBES goods and bovine products which are not eligible for despatch aboard (though this need not take the form of a chamber locked under a seal).</p>		
<p>6. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin derived from DBES eligible animals must be marked with an additional distinct mark in the form prescribed in Schedule 5 of the Bovines and Bovine Products (Trade) Regulations 1999.</p>		
<p>7. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals may be ordered only with the authorisation of a veterinary inspector.</p>		
<p>8. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 13(12) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained and applied under the control of an inspector.</p>		
<p>9. DBES goods must be despatched from the premises in means of transport which is not used at the same time for the</p>		

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<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
carriage of bovine products which are not eligible for despatch abroad.		
<p><b>10.</b> Where DBES goods are destined for placing on the market in the UK they should not bear the additional mark. Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment.</p>		
* <i>To be completed in respect of each approval</i>		

“SCHEDULE 3

Regulation 12(3)(d)

REQUIRED METHODS OF OPERATION FOR THE PREPARATION OF FOREIGN ORIGIN EXPORT ELIGIBLE GOODS IN EXPORT APPROVED ESTABLISHMENTS

<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
<p><b>1.</b> All raw materials for use in production for despatch abroad must be identifiable to species of origin. Materials of bovine origin and any mammalian meat and bone meal must be traceable to non-UK place of origin.</p>		
<p><b>2.</b> All foreign origin export eligible goods which are eligible for despatch abroad must be unloaded, processed or treated, stored, handled, loaded and unloaded and transported separately, or at different times, from bovine products which are not eligible for despatch abroad.</p>		
<p><b>3.—(1)</b> Cold stores must have chambers for storage of foreign origin export eligible goods which are eligible for despatch abroad which can be locked under seal so that products cannot be added or removed without breaking the seal. (Lockable rails in chillers are</p>		
* <i>To be completed in respect of each approval</i>		



<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
not sufficient to comply with this requirement.)		
(2) Stores for packaged meat must have clear and effective segregation (i.e. spatial separation) between foreign origin export eligible goods and bovine products which are not eligible for despatch abroad (though this need not take the form of a chamber locked under a seal).		
(3) Other stores must have clear and effective segregation between foreign origin export eligible goods which are eligible for despatch abroad and bovine products which are not so eligible (though this need not take the form of a chamber locked under seal).		
4. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin of bovine origin which are eligible for despatch abroad must be marked with an additional mark in the form prescribed in Schedule 4 to the Bovines and Bovine Products (Trade) Regulations 1999.		
5. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark, and official seals may be ordered only with the authorisation of a veterinary inspector.		
6. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 13(12) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained		

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<i>Requirement</i>	<i>Description of facility or control procedure by which the requirement will be met*</i>	<i>Staff member(s) responsible for supervision*</i>
and applied under the control of an inspector.		
7. There must be sufficient identification of foreign origin export eligible goods for despatch to allow a full description of the goods to be provided on certificates required for the purposes of the Bovines and Bovine Products (Trade) Regulations 1999.		
8. Foreign origin export eligible goods must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is—		
(a) not used at the same time for the carriage of any goods which are not eligible for despatch abroad under these Regulations; and		
(b) sealed with an official seal.”.		
* To be completed in respect of each approval		

(10) For paragraph 1(c) of Schedule 6 there is substituted the following—

“(c) bear the capital letters—

- (i) XAP (in respect of an official seal for an export approved establishment handling foreign origin export eligible goods); or
- (ii) XAPD (in respect of an official seal for an export approved establishment handling DBES goods).”.

13th September 2002

*Whitty*  
Parliamentary Under-Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Bovines and Bovine Products (Trade) Regulations 1999 (S.I.1999/1103, as amended by S.I. 1999/1554, S.I. 2000/656 and S.I. 2000/1667—“the Principal Regulations”) insofar as they extend to England. The Principal Regulations give effect to Commission Decisions [98/692/EC](#) (OJNo. L328, 4.12.98, p. 28) and [98/564/EC](#) (OJ No. L273, 9.10.98, p. 37) which amended Council Decision [98/256/EC](#) (OJ No. L113, 15.4.98, p.32).

The effect of the amendments in regulation 2 are to give effect to Commission Decision [2002/670/EC](#) (OJ No. L228, 24.8.2002, p. 22) which amends Council Decision [98/256/EC](#). The amendments enable the despatch from England of bovine embryos and bone in veal carcasses from calves between six and nine months exported under the Date based Export Scheme (DBES) and the amendments enable companies participating in the DBES to slaughter and process DBES ineligible bovine animals as well as DBES eligible bovine animals provided that adequate separation arrangements are in place.

In addition regulation 2(4) inserts a new regulation 5A into the Principal Regulations to prohibit offering to despatch or consign goods which may not be despatched or consigned under these Regulations. Regulation 2(8) amends regulation 17 to provide for the payment of expenses reasonably incurred in connection with storage by the owner of a consignment seized under the regulation and in some circumstances the payment of compensation to the owner for any depreciation in value of the consignment.

A Regulatory Impact Assessment has not been prepared for these Regulations.