

2001 No. 498

ANIMALS

ANIMAL HEALTH

**The Export Restrictions (Foot-And-Mouth Disease)
Regulations 2001**

Made - - - - - *21st February 2001*

Laid before Parliament *22nd February 2001*

Coming into force *21st February 2001 at 11.00 p.m.*

The Minister of Agriculture, Fisheries and Food, being designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the Common Agriculture Policy of the European Community, in exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, makes the following Regulations:

Title, commencement and extent and cessation

1.—(1) These Regulations may be cited as the Export Restrictions (Foot-and-Mouth Disease) Regulations 2001; they extend to the United Kingdom and shall come into force on 21st February 2001 at 11.00 p.m.

(2) These Regulations shall apply until 1st March 2001 at 12.00 p.m.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the Decision” means the Commission Decision of 21st February 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom (not yet published in the Official Journal);

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Minister (in England), the National Assembly for Wales (in Wales), Scottish Ministers (in Scotland) or the Department of Agriculture and Rural Development (in Northern Ireland) or a local authority, and includes a veterinary inspector;

“meat products” means meat products as defined in Article 2 of Council Directive 77/99/EEC on health problems affecting the production and marketing of meat products and certain other products of animal origin(b);

“Minister” means the Minister of Agriculture, Fisheries and Food;

“milk” and “milk products” have the meaning given in Article 1 of Council Regulation (EC) No. 1255/1999 on the common organisation of the market in milk and milk products(c);

(a) 1972 c. 68.

(b) O.J. No. L26, 31.1.1977, p. 85 as last amended by Directive 92/45/EEC (O.J. L268, 14.9.1992, p. 35).

(c) O.J. No. L160, 26.6.1999, p. 48.

“veterinary inspector” means a person appointed as a veterinary inspector by the Minister (in England), the National Assembly for Wales (in Wales), the Scottish Ministers (in Scotland) or the Department of Agriculture and Rural Development (in Northern Ireland).

Export of live animals

3.—(1) No person shall export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate to any other member State.

(2) By way of derogation from the preceding paragraph, the Minister (in England), the National Assembly for Wales (in Wales), Scottish Ministers (in Scotland) or the Department of Agriculture and Rural Development (in Northern Ireland) may by licence in writing authorise the export of biungulate animals originating outside the United Kingdom to another member State if the animals travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail.

Export of fresh meat

4.—(1) No person shall export any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate coming from the United Kingdom or obtained from animals originating in the United Kingdom to any other member State.

(2) The prohibition in paragraph (1) shall not apply in relation to—

- (a) fresh meat obtained before 1st February 2001 provided that the meat is clearly identified and since that date has been transported and stored separately from meat which is not destined for other member States;
- (b) fresh meat obtained from cutting plants situated in the United Kingdom under the following conditions—
 - (i) the only meat processed in the establishment is fresh meat described in subparagraph (a) or fresh meat from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;
 - (ii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on animal health problems affecting intra-Community trade in fresh meat^(a));
 - (iii) the plant is operated under strict veterinary control;
 - (iv) the meat is clearly identified and transported and stored separately from meat which is not destined for other member States.

(3) Meat consigned to other member States shall be accompanied by a certificate issued by a veterinary inspector which bears the following words—

“Meat conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of meat products

5.—(1) No person shall export to other member States meat products of animals of the bovine, ovine, caprine or porcine species or any other biungulate coming from the United Kingdom or prepared using meat obtained from animals originating in the United Kingdom.

(2) The prohibition in paragraph (1) shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC (on animal health problems affecting intra-Community trade in meat products^(b)), or to meat products as

(a) O.J. No. L121, 27.9.1964, p. 2012/64; Directive updated by Directive 91/497/EEC (O.J. No. L268, 24.9.1991, p. 69 as last amended by Directive 95/23/EC (O.J. No. L243, 11.10.1995, p. 7).

(b) O.J. No. L47, 21.2.1980, p. 4.

defined in Council Directive 77/99/EEC which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

(3) The prohibition in paragraph (1) shall not apply to—

(a) meat products prepared from meat derived from biungulate animals slaughtered before 1st February 2001 provided that the meat products are clearly identified and since that date have been transported and stored separately from meat products which are not destined for other member States;

(b) meat products prepared in establishments under the following conditions—

(i) all fresh meat used in the establishment must be from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;

(ii) all meat products used in the final product must conform to the conditions in paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the United Kingdom;

(iii) all meat products must bear the health mark in accordance with Chapter VII of Annex A to Directive 77/99/EEC;

(iv) the establishment must be operated under strict veterinary control;

(v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for other member States.

(4) Meat products consigned to other member States shall be accompanied by a certificate issued by a veterinary inspector which bears the following words—

“Meat products conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of milk

6.—(1) No person shall export milk to another member State.

(2) The prohibition in paragraph (1) shall not apply in relation to milk which has been subjected to—

(a) an initial pasteurisation in accordance with the norms defined in Council Directive 92/46/EEC (laying down health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products^(a)), 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; or

(b) an initial pasteurisation in accordance with the norms defined in Directive 92/46/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.

(3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments situated in the United Kingdom under the following conditions—

(a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals outside the United Kingdom;

(b) the establishment must be operated under strict veterinary control;

(c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for other member States;

(d) transport of raw milk from outside the United Kingdom to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the United Kingdom keeping animals of species susceptible to foot-and-mouth disease.

(4) Milk consigned to other member States shall be accompanied by a certificate issued by a veterinary inspector which bears the following words—

(a) O.J. No. L268, 14.9.1992, p. 1.

“Milk conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of milk products

7.—(1) No person shall export milk products to another member State.

(2) The prohibition in paragraph (1) shall not apply in relation to—

- (a) milk products produced before 1st February 2001;
- (b) milk products subjected to heat treatment at a temperature of at least 71.7°C for 15 seconds or an equivalent treatment;
- (c) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6.

(3) The prohibitions described in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions—

- (a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;
- (b) all milk products used in the final product will either conform to the conditions of paragraph (2) or be made from milk obtained from animals outside the United Kingdom;
- (c) the establishment shall be under strict veterinary control;
- (d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for other member States.

(4) Milk products consigned to other member States shall be accompanied by a certificate issued by a veterinary inspector which bears the following words—

“Milk products conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of semen, etc.

8.—(1) No person shall export semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates to another member State.

(2) The prohibition in paragraph (1) shall not apply in relation to frozen bovine semen and embryos produced before 1st February 2001.

(3) The health certificate provided for in Council Directive 88/407/EEC (laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species^(a)) accompanying frozen bovine semen consigned to other member States shall bear the following words—

“Frozen bovine semen conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(4) The health certificate provided for in Council Directive 89/556/EEC (on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species^(b)) accompanying bovine embryos consigned to other member States shall bear the following words—

“Bovine embryos conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of hides and skins

9.—(1) No person shall export hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates to another member State.

(a) O.J. L194, 22.7.1988, p. 10.

(b) O.J. L302, 19.10.1989, p. 11.

(2) The prohibition in paragraph (1) shall not apply in relation to hides and skins which were produced before 1st February 2001 or which conform to the requirements of paragraph 1(A) indents 2 to 5 or 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^(a)). Care must be taken to separate effectively treated hides and skins from untreated hides and skins.

(3) The hides and skins must be accompanied by a certificate stating—

“Hides and skins conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of animal products

10.—(1) No person shall send animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations to other member States.

(2) The prohibition in paragraph (1) shall not apply in relation to—

(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) processed sheep wool and ruminant hair which is securely enclosed in packaging and dry.

(3) The animal products must be accompanied by a certificate stating—

“Hides and skins conforming to Commission Decision adopted on 21st February 2001 [or the number of the Decision] concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Powers of inspectors

11.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of the Decision, and in particular may—

(a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;

(b) examine documentary or data processing material relevant to the checks carried out under these Regulations; and

(c) take with him a representative of the European Commission acting for the purposes of the Decision.

Obstruction

12.—(1) No person shall—

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(a) O.J. No. L62, 15.3.1993, p. 49.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

13.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

14.—(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 12(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction in indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Enforcement

15. These Regulations shall be enforced by the local authority.

21st February 2001

Hayman
Minister of State, Ministry of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement restrictions on exports of certain animals and animal products in accordance with Commission Decision of 21st February 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom (not yet published in the Official Journal).

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