



STATUTORY INSTRUMENTS.

S.I. No. 12 of 2011

EUROPEAN COMMUNITIES (FOOT AND MOUTH DISEASE)
(RESTRICTIONS ON IMPORTS FROM BULGARIA) REGULATIONS
2011

(Prn. A11/0093)

EUROPEAN COMMUNITIES (FOOT AND MOUTH DISEASE)
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2011

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Commission Decision 2011/8/EU of 6 January 2011¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Foot and Mouth Disease) (Restrictions on Imports from Bulgaria) Regulations 2011.

Interpretation

2. (1) In these Regulations—

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

“authorised officer” means—

- (a) a person appointed under Regulation 4 of the European Communities (Agriculture, Fisheries and Food) (Compliance) Regulations 2009 (S.I. No. 424 of 2009),
- (b) a member of the Garda Síochána, or
- (c) An officer of Customs and Excise;
- (d) an authorized officer within the meaning of section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966);

“Commission Decision” means Commission Decision No. 2011/8/EU of 6 January 2011;

“meat product” includes the treated bladder, stomach or intestine of an animal;

“Minister” means Minister for Agriculture, Fisheries and Food.

(2) A word or expression that is used in these Regulations and that is also used in the Commission Decision has, in these Regulations, the same meaning as in the Commission Decision.

¹O.J. L6, 11.01.2011, p. 15

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st January, 2011.*

Live animals

3. (1) A person shall not bring into the State a live animal, either directly or through another place from a part of Bulgaria mentioned in Annex I and Annex II to the Commission Decision.

(2) A person shall not bring a live animal into the State from a part of Bulgaria (if any) not mentioned in Annex I or II of the Commission Decision unless advance notice of at least three days has been given to the Minister and unless the animal is accompanied by a certificate

- (a) in the case of a bovine, ovine, caprine or porcine animal, in the form mentioned in Article 1(5) of the Commission Decision bearing the declaration set out in that provision that relates to the animal, or
- (b) in the case of a biungulate to which subparagraph (a) does not refer, in the form mentioned in Article 1(6) of the Commission Decision bearing the declaration set out in that provision that relates to the biungulate.

(3) A person shall not consign a live animal to a part of Bulgaria mentioned in Annex I or Annex II to the Commission Decision.

Meat

4. A person shall not bring a carcase or meat (including fresh meat, minced meat, mechanically separated meat or a meat preparation) of an animal into the State, either directly or through another place, from a part of Bulgaria mentioned in Annex I or II to the Commission Decision—

- (a) unless the carcase or meat complies with Article 2(4), (6) or (7) of the Commission Decision, and
- (b) the carcase or meat is accompanied by a certificate that complies with Article 2(8) of the Commission Decision that relates to the carcase or meat.

Meat products

5. A person shall not bring a meat product derived from an animal into the State either directly or through another place from a part of Bulgaria mentioned in Annex I to the Commission Decision unless the meat product complies with Article 3(2) of the Commission Decision and—

- (a) is accompanied by an official certificate that conforms with Article 3(3) of the Commission Decision,
- (b) is accompanied by a commercial document endorsed in accordance with Article 9(1) of the Commission Decision, or
- (c) in the case of a meat product that has been heat-treated in accordance with Article 3(2)(b)(ii) in a hermetically sealed container that is shelf stable, is accompanied by a commercial document stating the heat treatment applied.

Milk

6. A person shall not bring milk into the State from a part of Bulgaria mentioned in Annex I to the Commission Decision either directly or through another place unless the milk complies with Article 4(2)(a) or (b) and—

- (a) is accompanied by a certificate that complies with Article 4(4) of the Commission Decision that relates to the milk,
- (b) in the case of milk that complies with Article 4(2)(a) or (b) of the Commission Decision and has been processed in an establishment referred to in Article 4(5) of the Commission Decision, is accompanied by a commercial document endorsed in accordance with Article 9(1) of the Commission Decision, or
- (c) in the case of milk that has been heat treated in accordance with Article 4(2)(a) or (b) in a hermetically sealed container that is shelf stable, is accompanied by a commercial document stating the heat treatment applied.

Dairy products

7. A person shall not bring a dairy product into the State from a part of Bulgaria mentioned in Annex I to the Commission Decision either directly or through another place, unless the dairy product complies with Article 5(2), (3), (4) or (5) of the Commission Decision, and—

- (a) is accompanied by a certificate that complies with Article 5(6) of the Commission Decision that relates to the dairy product,
- (b) in the case of a dairy product that complies with Article 5(2)(a) or (b), (3) or (4) of the Commission Decision and has been processed in an establishment referred to in Article 5(7) of the Commission Decision, it is accompanied by a commercial document endorsed in accordance with Article 9(1) of the Commission Decision, or
- (c) in the case of a dairy product that complies with Article 5(2)(a) or (b), (3) or (4) of the Commission Decision in a hermetically sealed container that is shelf stable, is accompanied by a commercial document stating the heat treatment applied.

Semen, ova and embryos

8. A person shall not bring the semen, ova or embryos of an animal into the State either directly or through another place from a part of Bulgaria mentioned in Annex I or II to the Commission Decision, unless—

- (a) in the case of bovine and porcine semen, it complies with Article 6(2) and is accompanied by a certificate that complies with Article 6(3) or (4) of the Commission Decision that relates to the semen,
- (b) in the case of bovine embryos, it complies with Article 6(2)(b) or (c) and is accompanied by a certificate that complies with Article 6(5) of the Commission Decision that relates to the embryos,

- (c) in the case of ovine or caprine semen and ovine, caprine or porcine embryos, the semen or embryo complies with Article 6(2)(b) or (c) and is accompanied by a certificate that complies with Article 6(6), 6(7) or 6(8) of the Commission Decision that relates to the semen or embryos, and
- (d) the semen or embryos come from a centre listed in accordance with Article 6(2) of the Commission Decision.

Hides and Skins

9. A person shall not bring the hide or skin of an animal into the State either directly or through another place from a part of Bulgaria mentioned in Annex I to the Commission Decision, unless the hide or skin complies with Article 7(2) of the Commission Decision, and—

- (a) is accompanied by a certificate that complies with Article 7(3) of the Commission Decision that relates to the hide or skin,
- (b) in the case of a hide or skin that complies with points (b) to (e) of paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, compliance with those provisions is stated in a commercial document endorsed in accordance with Article 9(1) of the Commission Decision that accompanies the hide or skin, or
- (c) in the case of a hide or skin that complies with points (c) to (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, compliance with those provisions is stated in a commercial document endorsed in accordance with Article 9(1) of the Commission Decision that accompanies the hide or skin.

Specific Animal products

10. (1) A person shall not bring an animal product to which Article 8 of the Commission Decision refers into the State either directly or through another place from a part of Bulgaria mentioned in Annex I to the Commission Decision unless—

- (a) the animal product complies with Article 8(2)(a),
- (b) in the case of blood and blood products, the blood or blood product complies with Article 8(2)(b),
- (c) in the case of lard and rendered fats, the lard or fat complies with Article 8(2)(c),
- (d) in the case of animal casings, the casing complies with Article 8(2)(d),
- (e) in the case of sheep wool, ruminant hair or pigs' bristles, the wool, hair or bristle complies with Article 8(2)(e),
- (f) in the case of pet food, the pet food complies with Article 8(2)(f),

- (g) in the case of composite products, the composite product complies with Article 8(2)(g),
- (h) in the case of game trophies, the game trophy complies with Article 8(2)(h),
- (i) in the case of packed products for use as in vitro or laboratory reagents, the packed product complies with Article 8(2)(i), or
- (j) in the case of medicinal products, the medicinal product complies with Article 8(2)(j), of the Commission Decision and—
 - (i) is accompanied by a certificate that complies with Article 8(3) of the Commission Decision that relates to the product,
 - (ii) in the case of blood or a blood product, lard, rendered fat or an animal casing, is accompanied by a commercial document that complies with Article 8(4) of the Commission Decision that relates to the product,
 - (iii) in the case of sheep wool, ruminant hair or pigs' bristles, is accompanied by a commercial document that complies with Article 8(5) of the Commission Decision,
 - (iv) in the case of a composite product produced in an establishment referred to in Article 8(6) of the Commission Decision, is accompanied by a commercial document that complies with that provision,
 - (v) in the case of a packed product for use as in vitro or laboratory reagent, is accompanied by a commercial document that complies with Article 8(7) of the Commission Decision, or
 - (vi) in the case of a product referred to in Article 8(8) of the Commission Decision, is accompanied by a commercial document that complies with that provision.

(2) A person shall not bring dung or manure or any thing contaminated with dung or manure into the State, either directly or through another place, from a part of Bulgaria mentioned in Annex I to the Commission Decision.

Possession of certain animals etc.

11. A person shall not have in his or her possession or under his or her control an animal, carcass, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins equidae or an animal product referred to in Regulation 10 that has been brought into the State in contravention of these Regulations.

Application

12. The European Communities (Agriculture, Fisheries and Food) (Compliance) Regulations 2009 (S.I. No. 424 of 2009) (as amended by the European Communities (Marketing Standards) (Crops and Oils) Regulations 2010 (S.I. No. 153 of 2010)) are applied to these Regulations.

Forgery

13. (1) A person shall not forge or alter, or utter knowing it to be forged or altered with intent to defraud or deceive, a certificate, commercial document, or other thing required by these Regulations, (hereafter in this Regulation referred to as “a forged or altered document”).

(2) A person shall not have a forged document or an altered document in his or her possession or under his or her control.

Offences

14. (1) A person who contravenes these Regulations commits an offence and is liable on summary conviction, to a class A fine² or to a term of imprisonment not exceeding 6 months or to both.

(2) If an offence under these Regulations is committed by a body corporate and is proved to be so committed with the consent or connivance of or be attributable to any neglect on the part of a 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, shall be 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.

(3) An offence under these Regulations may be prosecuted by the Minister.



Given under my Official Seal,
14 January 2011.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

²Which at the time of making these Regulations is a maximum fine of €5,000.

EXPLANATORY NOTE.

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

These regulations give effect to Commission Decision 2011/8/EU of 6 January 2011 concerning restrictions on the movement to Ireland of animals and animal products from Bulgaria due to the presence of foot and mouth disease in certain parts of that country.

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