STATUTORY RULES OF NORTHERN IRELAND

2002 No. 278

AGRICULTURE

Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - - 9th September 2002

Coming into operation 30th September 2002

The Department of Agriculture and Rural Development being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 30th September 2002.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as they apply to an Act of the Northern Ireland Assembly.

Amendments to the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999

3.—(1) The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999(**d**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) –

(a) the definition of "bovine embryo" shall be deleted;

(b) the definition of "export dedicated establishment" shall be deleted; and

(c) after the definition of "establishment" there shall be inserted the following definition –

" "export approved establishment" means an establishment approved as such under regulation 12;".

(2) In paragraph (1)(a) of regulation 3 (Trade in live animals, bovine embryos, mammalian meat and bone meal and related products) the words "or bovine embryo" shall be deleted.

(3) After regulation 5 there shall be inserted the following regulation –

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1999 No. 308, as amended by S.R. 2000 No.78 and S.R. 2001 No. 210

"**Offers to despatch or export**

5A. A person shall not (by any means) offer to despatch, consign or export, or accept orders for the despatch, consignment or export of anything prohibited from being despatched, consigned or exported by these Regulations."

(4) In regulation 10(3) (Approval of establishments for the slaughter of DBES eligible animals and ECHS animals) –

(a) for sub-paragraph (c) there shall be substituted the following paragraph –

"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;"; and

(b) in sub-paragraph (e)(i), for the words "export dedicated establishment" there shall be substituted the words "export approved establishment".

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

(a) in paragraph (2) for the words "export dedicated establishment", wherever they appear, they shall be substituted with the words "export approved establishment";

(b) paragraph (2)(b) shall be deleted;

(c) paragraph (3)(b) shall be deleted;

(d) paragraph (3)(c) shall be deleted;

(e) for paragraph (3)(d) there shall be substituted –

"(d) 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 cleaned after the last such use;";

(f) in paragraph (3)(e) the words "in respect of an export dedicated establishment" shall be deleted and after the words "Schedule 2" there shall be inserted "or 3, or both as appropriate";

(g) paragraph (3)(f) shall be deleted.

(6) In regulation 13 (Requirements imposed on the operator of an establishment approved under regulation 12(2)) –

(a) in paragraph (2)(b) for the words "export dedicated establishment" there shall be substituted "export approved establishment" and after the words "Schedule 2" there shall be inserted "or 3, or both, as appropriate";

(b) the "and" at the end of paragraph (2)(b) and paragraph (2)(c) shall be deleted; and

(c) in paragraph (4)(c) for the words "export dedicated establishment" there shall be substituted "export approved establishment".

(7) In regulation 17 (Seizure of illegal goods) –

(a) for paragraph (6) there shall be substituted the following paragraph –

"(6) Where the justice of the peace is 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) if it appears to the justice of the peace, on the basis of such evidence as he considers appropriate in the circumstances, that a consignment is illegal, that any expenses reasonably incurred in connection with storage be defrayed by the owner of the consignment.";

(b) after paragraph (6) there shall be inserted the following paragraph –

"(6A) Where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraphs (5) and (6), 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; but this

paragraph 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.".

(8) Schedules 1 to 3 shall be replaced by Schedules 1 to 3 of these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th September 2002.

(L.S.) *Liam McKibben*

Senior Officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 10(3)(d)

REQUIRED METHODS OF OPERATION FOR DBES SLAUGHTERHOUSES

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
1. 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.		
2. All bovine animals slaughtered during DBES periods must have been confirmed by official checks before slaughter as being DBES eligible animals.		
3. Before a DBES period can start after non-DBES production, the slaughter hall must first be cleaned.		
4. There must be a system at the establishment to ensure that after slaughter DBES meat is traceable 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.		
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.		
6. All carcasses of DBES 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 (Northern Ireland) 1999 after the meat has been passed fit for human consumption following post mortem inspection.		
7. The additional mark may only be applied to carcasses during DBES periods.		
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.		
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 (Northern Ireland) 1999 and maintained and applied under the control of an inspector.		

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
10. Carcases of DBES eligible animals bearing the additional mark must be despatched to export approved establishments except for carcases of such animals aged under 9 months which may also be despatched abroad. All carcases 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. Where carcases 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.		
11. Outside of DBES periods, carcases of DBES animals must be stored separately from carcases 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. During DBES periods, carcases of non-DBES eligible animals must be stored separately from carcases 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.)		

* To be completed in respect of each approval

SCHEDULE 2

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

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

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
1. 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.		

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
2. (1) 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.		
(2) The lymph nodes which must be removed with adherent and obvious nervous and lymphatic tissues are:– popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, presacpular, axilliary and caudal deep cervical.		
3. 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 animals must be traceable to the batch of animals from which they were derived.		
4. Cold stores must have chambers for storage of DBES carcase meat 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.)		
5. Stores for packaged meat must have clear and effective segregation (i.e spatial separation) between DBES goods and ineligible bovine goods (though this need not take the form of a chamber locked under a seal).		
6. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin derived from DBES animals must be marked with an additional distinct mark in the form prescribed in Schedule 5 of The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999.		
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.		
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 (Northern Ireland) 1999 and maintained and applied under the control of an inspector.		

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
9. DBES goods must be despatched from the premises in means of transport which is not used at the same time for the carriage of any bovine goods which are not eligible for despatch abroad.		
10. 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.		

*To be completed in respect of each approval

SCHEDULE 3

Regulations 12(3)(e)

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

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
1. 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.		
2. 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.		
3. (1) 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 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 goods which are not eligible for despatch abroad (though this need not take the form of a chamber locked under a seal).		

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
(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 (Northern Ireland) 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 (Northern Ireland) 1999 and maintained 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 (Northern Ireland) 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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 308) ("the principal Regulations") which give effect to Commission Decisions 98/692/EC (O.J. No. L328, 4.12.98, p. 28) and 98/564/EC (O.J. No. L273, 9.10.98, p. 37) which amended Council Decision 98/256/EC (O.J. No. L113, 15.4.98, p. 32).

The effect of the amendments in regulation 3 are to give effect to Commission Decision 2002/670/EC (O.J. No. L228, 24.8.2002, p. 22) which amends Council Decision 98/256/EC to enable the despatch from the United Kingdom of bovine embryos and bone in veal carcases from calves between 6 and 9 months exported under the Date Based Export Scheme (DBES). The Decision further amends the required methods of operating procedures for the DBES in particular to enable participating companies 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 3(3) prohibits offering to despatch or consign goods, by any means, which may not be despatched or consigned under the Regulations. Regulation 3(7) amends regulation 17 of the principal Regulations to provide for the payment of expenses reasonably incurred in connection with storage by the owner of a consignment and in some circumstances the payment of compensation to the owner for any depreciation in value of a consignment.

£2·50

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N640. C3. 10/02. Gp. 130. 14567.

ISBN 0-337-94374-5

9 780337 943744