STATUTORY INSTRUMENTS

1999 No. 1763

FOOD

The Food (Animals and Animal Products from Belgium) (Emergency Control) (Amendment) Order 1999

Made - - - -	*29th June 1999*
Laid before Parliament	*29th June 1999*
Coming into force	*30th June 1999*

Whereas it appears to the Minister of Agriculture, Fisheries and Food that the carrying out of commercial operations with respect to animals and animal products originating from Belgium may involve imminent risk of injury to health, now therefore the said Minister, in exercise of the powers conferred on him by sections 6(4), 13(1) and 48(1) of the Food Safety Act 1990**(a)**, and of all other powers enabling him in that behalf, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food (Animals and Animal Products from Belgium) (Emergency Control) (Amendment) Order 1999 and shall come into force on 30th June 1999.

(2) In this Order "the principal Order" means the Food (Animals and Animal Products from Belgium) (Emergency Control) Order 1999**(b)**.

Amendment of the principal Order

2. The principal Order shall be amended in accordance with articles 3 to 6 of this Order.

3. In article 1 (title, commencement and interpretation)–

(a) in paragraph (2)–

(i) for the definition of "the Commission Decision" there shall be substituted the following–

" "Commission Decision 1999/363/EC" means Commission Decision 1999/363/EC on protective measures with regard to contamination by dioxins of certain animal products intended for human or animal consumption**(c)** as amended by Commission Decisions 1999/390/EC**(d)** and 1999/419/EC**(e)**;

"Commission Decision 1999/389/EC" means Commission Decision 1999/389/EC on protective measures with regard to contamination by dioxins of

(a) 1990 c. 16; "the Minister" is defined in section 4(2); section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).
(b) S.I. 1999/1542.
(c) OJ No. L141, 4.6.1999, p. 24.
(d) OJ No. L147, 12.6.1999, p. 29.
(e) OJ No. L159, 25.6.1999, p. 60.

products intended for human consumption derived from bovine animals and pigs and revoking Decision 1999/368/EC**(a)**, as amended by Commission Decisions 1999/390/EC and 1999/419/EC;";

(ii) the definition of "dairy products" shall be deleted; and

(iii) for the definition of "relevant animal or animal product" there shall be substituted the following–

" "relevant animal or animal product" means any animal or product coming within any of the following descriptions–

(a) live animals and hatching eggs as referred to in Article 3 of Commission Decision 1999/363/EC;

(b) pigs and bovine animals as referred to in Article 3 of Commission Decision 1999/389/EC;

(c) products of Belgian origin covered by Article 1.2 of Commission Decision 1999/363/EC or Article 1.2 of Commission Decision 1999/389/EC; and

(d) products which contain any of the products referred to in sub-paragraph (c) above,

but only includes food and food sources;"; and

(b) after paragraph (2) there shall be inserted the following–

"(3) Other expressions used both in this Order and in Commission Decision 1999/363/EC or 1999/389/EC have, in so far as the context admits, the same meaning in this Order as they bear in that Decision.".

4. After article 1 there shall be inserted the following–

"**Exemptions**

1A.—(1) Article 2 hereof shall not apply to–

(a) the importation of any food or food source if, when imported, that food or food source is accompanied by valid certification relating to it, as specified in paragraph (3) below;

(b) any subsequent commercial operations in relation to the food or food source if it can be proved by the person carrying out the operation that at the time of importation it was so accompanied; or

(c) the return to Belgium, under cover of an official certificate in accordance with Article 3a of Commission Decision 1999/363/EC or, as the case may be, Article 3a of Commission Decision 1999/389/EC, of any product covered by this Order.

(2) Article 4 hereof shall not, save for sub-paragraphs (a) and (b) of paragraph (1) thereof, apply to any imported food or food source which is accompanied by valid certification relating to it as specified in paragraph (3) below.

(3) The certification to which paragraphs (1)(a) and (b) and (2) above apply is–

(a) in the case of live domestic fowls or hatching eggs as referred to in Article 2B of Commission Decision 1999/363/EC, an official declaration signed by the Belgian competent authority in the form called for by that Article;

(b) in the case of bovine animals or pigs as referred to in Article 2B of Commission Decision 1999/389/EC, an official declaration signed by the Belgian competent authority in the form called for by that Article;

(c) in the case of products referred to in Article 2A of Commission Decision 1999/363/EC, an official certificate signed by the Belgian competent authority in the form called for by that Article; and

(a) OJ No. L147, 12.6.1999, p. 26.

(d) in the case of products referred to in Article 2A of Commission Decision 1999/389/EC, an official certificate signed by the Belgian competent authority in the form called for by that Article.".

5. In article 3 (enforcement) for paragraph (1) there shall be substituted the following paragraphs–

"(1) This Order shall be enforced and executed by the Minister of Agriculture, Fisheries and Food, the Secretary of State and by each food authority and port health authority within its area or district, as appropriate.

(1A) For the purposes of the return to Belgium of any product as specified in article 1A(1)(c) hereof the competent authority for the purposes of the official certificate shall be the Minister of Agriculture, Fisheries and Food, the Secretary of State or any authorised officer of a food authority.".

6. In article 4 (application and modification of various provisions of the Act)–

(a) in sub-paragraph (a) of paragraph (1) after the words "port health authority" there shall be inserted the words ", the Minister of Agriculture, Fisheries and Food and the Secretary of State"; and

(b) at the end of sub-paragraph (c) of paragraph (1) there shall be inserted the words "or are to be returned to Belgium as specified in article 1A(1)(c) hereof".

Nick Brown
29th June 1999 Minister of Agriculture, Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made by the Minister of Agriculture, Fisheries and Food under section 13 of the Food Safety Act 1990, amends the Food (Animals and Animal Products from Belgium) (Emergency Control) Order 1999 ("the principal Order") to provide for the implementation in Great Britain, in relation to food and food sources, of–

(a) Commission Decision 1999/363/EC on protective measures with regard to consumption by dioxins of certain animal products intended for human or animal consumption (OJ No. L141, 4.6.1999, p. 24) in so far as it extends to products containing products of Belgian origin covered by Article 1.2 thereof;

(b) Commission Decision 1999/389/EC on protective measures with regard to contamination by dioxins of products intended for human consumption derived from bovine animals and pigs and revoking Decision 1999/368/EC (OJ No. L147, 12.6.1999, p. 26) in so far as it extends to pigs and bovine animals and to products of Belgian origin covered by Article 1.2 thereof;

(c) Commission Decision 1999/390/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption and amending Decision 1999/363/EC and Decision 1999/389/EC (OJ No. L147, 12.6.1999, p. 29); and

(d) Commission Decision 1999/419/EC amending Decisions 1999/363/EC and 1999/389/EC as regards protective measures with regard to contamination of certain products by dioxins (OJ No. L159, 25.6.1999, p. 60).

The Order–

(a) substitutes a new definition of "relevant animal or animal product" (article 3(a)(iii));

(b) provides for exemptions in respect of imports which are accompanied by appropriate certification or return of products to Belgium under cover of an official certificate signed on behalf of the Minister of Agriculture, Fisheries and Food, the Secretary of State or a food authority (articles 4 and 5); and

(c) provides that the Minister and the Secretary of State shall, in addition to food authorities and port health authorities, enforce and execute the principal Order and in consequence thereof further modifies the application of section 9 of the Food Safety Act 1990 (articles 5 and 6).

No Regulatory Impact Assessment has been prepared.

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