2001 No. 3584

ANIMALS, ENGLAND

ANIMAL HEALTH

The Import and Export Restrictions (Foot-And-Mouth Disease) (No.11) Regulations 2001

Made - - - - -	*5th November 2001*
Laid before Parliament	*5th November 2001*
Coming into force - -	*5.00 p.m. on 5th November 2001*

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SCHEDULE

Permitted areas

The Secretary of State for Environment, Food and Rural Affairs, being 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 her by that section, and of all other powers enabling her in that behalf, makes the following Regulations:

Title, commencement, extent and cessation

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (No.11) Regulations 2001; they extend to England and come into force on 5th November 2001.

(2) These Regulations shall apply until midnight on 31st December 2001.

Interpretation

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

"approved" means approved in accordance with regulation 3;

"the Decision" means Commission Decision 2001/740/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/356/EC(**c**) as amended by Commission Decision 2001/763/EC(**d**);

"dispatch" means dispatch from a place within the restricted area to a place outside the restricted area and includes consigning for dispatch;

"export" means export outside the British Islands and includes consigning for export;

"inspector" means a person appointed by the Secretary of State or a local authority to be an inspector for the purposes of these Regulations or by the Minister of Agriculture, Fisheries and Food or a local authority for the purposes of the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000(**e**) or the Products of Animal Origin (Import and Export) Regulations 1996(**f**) and includes a veterinary inspector;

"HACCP" means Hazard Analysis at Critical Control Points, which is a system in which the critical points of the manufacturing process have been identified, assessments have been made of the potential risks at those points, and necessary steps have been taken to minimise those risks;

"local authority" means—

(a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(**g**), a unitary authority for that local government area, that authority;

(b) where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county;

(iii) in each London borough (except in relation to imported animals) the council of that borough; or

(iv) in the City of London, and for all London boroughs in relation to imported animals, the Common Council;

"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(**h**));

"Minister" means the Minister of Agriculture, Fisheries and Food;

(**a**) S.I. 1972/1811.
(**b**) 1972 c. 68.
(**c**) OJ No. L277, 20.10.2001, p. 30.
(**d**) OJ No. L287, 31.10.2001, p. 36.
(**e**) S.I. 2000/1673.
(**f**) S.I. 1996/3124.
(**g**) S.I. 1994/867.
(**h**) OJ No. L26, 31.1.1977, p. 85 as last amended by Directive 92/45/EEC (OJ No. L268, 14.9.1992, p. 35).

"milk" and "milk products" have the meaning given in Article 2 of the Council Directive 92/46/EC (laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products(**a**));

"official veterinary surgeon" means a person appointed as such under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(**b**);

"restricted area" means the British Islands other than Northern Ireland and the Isle of Man; and

"veterinary inspector" means a veterinary surgeon appointed for export certification by the Secretary of State or the Minister.

(2) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended at the time these Regulations are made.

Approvals

3.—(1) The Secretary of State shall approve premises for the purposes of these Regulations if she is satisfied that the occupier of the premises will comply with the conditions of these Regulations.

(2) Any approval shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time, and in particular may be suspended or revoked if the Secretary of State is reasonably of the opinion that the provisions of these Regulations are not being complied with.

(3) Any requirement for approved premises shall be fulfilled if the premises are in a part of the British Islands outside England and are approved by the relevant authority for the purposes of the Decision.

Import and dispatch of live animals

4.—(1) No person shall dispatch any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from the preceding paragraph, the Secretary of State may by licence in writing authorise the dispatch of biungulate animals originating outside the restricted area if the animals travelled through that area in direct and uninterrupted transit on main roads or by rail or sea.

(3) No person shall import any live animal of species susceptible to foot-and-mouth disease into England from another member State.

Dispatch of fresh meat, minced meat and meat preparations

5.—(1) No person shall dispatch any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate coming from the restricted area or obtained from animals originating in that area.

(2) In paragraph (1), the reference to "fresh meat" includes minced meat and meat preparations to which Council Directive 94/65/EC (laying down the requirements for the production and placing on the market of minced meat and meat preparations(**c**)) applies.

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

(a) fresh meat, minced meat or meat preparations obtained before 1st February 2001, provided that the meat, minced meat or meat preparation is clearly identified and since that date has been transported and stored separately from meat, minced meat or meat preparations which is not destined for dispatch; or

(b) fresh meat obtained from approved cutting plants under the following conditions—

(i) the only meat processed in the establishment at the time of processing meat eligible for dispatch under these Regulations is fresh meat described in sub-paragraph (a), fresh meat from animals reared and slaughtered outside the restricted area, or fresh meat obtained from animals reared and slaughtered within the areas listed in the Schedule;

(**a**) OJ No. L268, 14.9.92, p. 1 as last amended by Council Directive 94/71/EC (OJ No. L368, 31.12.94, p.33.
(**b**) S.I. 1995/539 as amended by S.I. 1995/3189, S.I. 2000/2215, S.I. 2001/1512, S.I. 2001/1739 and S.I. 2001/1771.
(**c**) OJ No. L368, 31.12.94, p. 10.

(ii) cleansing and disinfection must be carried out after processing any meat not meeting this requirement;

(iii) all the meat must bear the health mark in accordance with Chapter XI of Annex 1 to Council Directive 64/433/EEC (on health problems affecting the productions and marketing of meat products and certain other products of animal origin(**a**)) or, in the case of meat from farmed game of species susceptible to foot-and-mouth disease, the health mark provided for in Chapter III of Annex 1 to Council Directive 91/495/EEC (concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat(**b**)) or in the case of wild game of species susceptible to foot-and-mouth disease, in accordance with the provisions of Annex 1 of Chapter VII of Council Directive 92/45/EC(**c**);

(iv) the cutting plant must be operated under strict veterinary control; and

(v) the meat must be clearly identified, transported and stored separately from meat, minced meat and meat preparations which is not destined for dispatch;

(c) minced meat and meat preparations obtained from establishments approved under the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 and also approved under these Regulations under the following conditions—

(i) the only meat processed in the establishment at the time of processing meat eligible for dispatch under these Regulations is fresh meat described in sub-paragraph (a), fresh meat from animals reared and slaughtered outside the restricted area or fresh meat obtained from animals reared and slaughtered within the areas listed in the Schedule;

(ii) cleansing and disinfection must be carried out after processing any meat not meeting this requirement;

(iii) all the minced meat and meat preparations must bear the health mark in accordance with Chapter VI of Annex 1 to Council Directive 94/65/EC;

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

(v) the minced meat and meat preparations must be clearly identified and transported and stored separately from meat, minced meat and meat preparations which are not destined for dispatch;

(d) fresh meat, minced meat or meat preparations obtained from bovine, ovine, caprine or porcine animals or farmed game of species susceptible to foot-and-mouth disease and conforming to the following conditions—

(i) the meat must be obtained from animals reared within the areas specified for the respective category of meat in the appropriate column in the Schedule;

(ii) there has been no outbreak of foot-and-mouth disease in the administrative area from which the animal is sourced during the 90 days prior to dispatch;

(iii) during the 30 days prior to transport to the slaughterhouse the animals have remained subject to the supervision of the relevant competent authority on a single holding situated within the areas listed in the Schedule in the centre of a circle around the holding of at least 10 km radius where there has been no outbreak of foot-and-mouth disease during at least the past 30 days;

(iv) no animal of species susceptible to foot-and-mouth disease has been introduced into the holding referred to in sub-paragraph (d)(iii) above during the past 30 days prior to loading, or in the case of farmed game prior to on-farm slaughtering, except in the case of pigs coming from a supplying holding which meets the requirements laid down in that sub-paragraph, in which case this period shall be 7 days;

(v) the animals, or in the case of farmed game slaughtered on the farm, the carcases, must be transported under licence in writing granted by an officer of the local authority where the holding is situated, directly from the holding to an approved establishment situated in a county in England listed in the Schedule;

(vi) the licence must be endorsed by a person authorized in writing by the Secretary

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(**a**) OJ No. 121, 27.9.1964, p. 2012/64; Directive updated by Directive 91/497/EEC (OJ No. L268, 24.9.1991, p. 69) as last amended by Directive 95/23/EC (OJ No. L243, 11.10.1995, p.7).

(**b**) OJ No. L268, 24.09.1991, p. 41 as last amended by Council Directive 1994/65/EC (OJ No. L368, 31.12.1994, p. 10).

(**c**) OJ No. L268, 14.9.1992, p. 33 as last amended by Council Directive 97/79/EC, OJ No. L24, 30.1.1998, p. 31.

of State to confirm that they have checked farm movement records, inspected the vehicle for cleansing and disinfection and observed the loading of the consignment;

(vii) the means of transport must be cleansed and disinfected before the animals are loaded;

(viii) the person consigning the animals to the slaughterhouse must give at least 72 hours written notice to the official veterinary surgeon at the slaughterhouse that pigs, the meat of which is intended for dispatch under this paragraph, will be sent to the slaughterhouse;

(ix) the animals must be slaughtered within 24 hours of arrival at the slaughterhouse separately from animals whose meat is not eligible for dispatch;

(x) during inspection by the official veterinary surgeon at the slaughterhouse no evidence of clinical or post-mortem signs of foot-and-mouth disease were established;

(xi) the meat derived from such animals remained in the establishment for at least 24 hours after slaughter;

(xii) all fresh meat must bear the health mark in accordance with Chapter XI of Annex 1 to Council Directive 64/433/EEC or in the case of farmed game the health mark provided for in Chapter III of Annex 1 of Council Directive 91/495/EEC;

(xiii) the slaughterhouse must be operated under strict veterinary control;

(xiv) in the case where foot-and-mouth disease has been diagnosed in the slaughterhouse, any further preparation of meat for dispatch shall only be authorized after the slaughter of all animals present, removal of all meat and dead animals and not earlier than 24 hours after the completion of the total cleaning and disinfection of the establishment under the control of a veterinary inspector;

(xv) the fresh meat must be clearly identified, and transported and stored separately from meat which is not eligible for dispatch;

(e) fresh meat obtained from wild game of species susceptible to foot-and-mouth disease and conforming to the following conditions—

(i) the meat must be obtained from wild game killed within the areas specified for the respective category of meat in the appropriate column in the Schedule;

(ii) there has been no outbreak of foot-and-mouth disease in the administrative area from which the animal was sourced during the 90 days prior to dispatch;

(iii) the meat originates from animals killed at least 20 kilometres from areas not included in the Schedule;

(iv) the carcases were transported in a means of transport which had been cleansed and disinfected to a wild game collection centre or to an approved processing house for chilling;

(v) the wild game collection centre or the approved processing house must be in an area in the Schedule;

(vi) during post-mortem inspection by the official veterinary surgeon the carcases were found free of lesions of foot-and-mouth disease;

(vii) the meat derived from the animals remained in the establishment for at least 24 hours after the post-mortem inspection;

(viii) at all stages of production the meat must have been handled in accordance with the requirements of Council Directive 92/45/EEC;

(ix) the meat must bear the health mark in accordance with Chapter VII of Annex 1 to Council Directive 92/45/EEC;

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

(xi) in the case where foot-and-mouth disease has been diagnosed in the establishment, any further preparation of meat for dispatch shall only be authorized after the slaughter of all animals present, removal of all meat and dead animals and not earlier than 24 hours after the completion of the total cleaning and disinfection of the establishment under the control of a veterinary inspector;

(xii) the fresh meat must be clearly identified, and transported and stored separately from meat which is not eligible for dispatch;

(f) fresh meat destined for placing on the market in Great Britain and obtained from cutting plants situated in the British Islands outside the areas listed in the Schedule under the following conditions—

(i) the meat is derived from animals reared and slaughtered in Great Britain;

(ii) the meat remains in the slaughterhouse for at least 24 hours after slaughter;

(iii) the cutting plants processing the meat are approved by the competent authority exclusively for the production of fresh meat destined for dispatch only within the United Kingdom;

(iv) all such meat shall be transported, stored and processed separately from meat eligible for dispatch and shall bear the health mark in accordance with Commission Decision 2001/304/EC (on marking and use of certain animal products in relation to Decision 2001/172/EC(**a**));

(v) all meat originating in the restricted area and processed in cutting plants referred to in sub-paragraph (f)(iii) shall only be placed on the market in the restricted area;

(vi) the plants must be operated under strict veterinary control.

(4) Meat, minced meat or meat preparations consigned to another member State shall be accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Meat conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

Dispatch of meat products

6.—(1) No person shall dispatch meat products of animals of the bovine, ovine, caprine or porcine species or any other biungulate coming from the restricted area or prepared using meat obtained from animals originating in that area.

(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 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 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 dispatch;

(b) meat products prepared in approved establishments which at the time of processing of meat eligible for dispatch met the following conditions—

(i) all fresh meat used in the establishment must conform to the conditions in regulation 5(3);

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

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

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

(v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for dispatch; or

(c) meat products prepared in parts of the United Kingdom outside the restricted area using meat obtained before 1 February 2001 from the restricted area provided that the meat and meat products are clearly identified and transported and stored separately from meat and meat products not destined for dispatch.

(**a**) OJ No. L104, 13.4.2001, p. 6.
(**b**) OJ No. L47, 21.2.1980, p. 4.

(4) Meat products consigned to another member State shall be accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Meat products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to meat products which conform to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 13, and the products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) shall not apply to meat products treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Dispatch of milk

7.—(1) No person shall dispatch milk.

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

(a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex 1 to Council 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(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC(**a**)) followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation so as to produce a negative reaction to the peroxidase test 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 paragraph 3(b) of Chapter 1 in Annex 1 to Council Directive 92/118/EEC, combined with 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 approved establishments 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 reared and milked outside the restricted area;

(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 dispatch; and

(d) transport of raw milk from outside the restricted area 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 restricted area keeping animals of species susceptible to foot-and-mouth disease.

(4) Milk consigned to another member State shall be accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Milk conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to milk which conforms to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 13, and the milk has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(**a**) OJ No. L62, 15.3.1993, p. 49 as last amended by Council Directive 2001/7/EC (OJ No. L2, 5.1.2001, p. 27.

(6) Paragraph (4) shall not apply to milk which conforms with the requirements of paragraph (2)(a) or (b) and which has been treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Dispatch of milk products

8.—(1) No person shall dispatch milk products.

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

(a) milk products produced before 1st February 2001;

(b) milk products prepared from milk which complies with paragraph (2) or (3) of regulation 7;

(c) milk products destined for dispatch to a third country where import conditions permit such products to be subject to treatment other than laid down in these Regulations which ensures the inactivation of the foot-and-mouth disease virus;

(d) milk products intended for human consumption produced from milk of a pH less than 7.0 and subjected to heat treatment at a temperature of at least 72°C for at least 15 seconds or an equivalent treatment;

(e) milk products intended for human consumption produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within the restricted area, in the centre of a circle of at least 10 km radius where no outbreak of foot-and-mouth disease has occurred during the 30 days prior to producing the raw milk, and which are subject to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.

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

(a) milk products prepared in approved establishments under the following conditions—

(i) all milk used in the establishment must either conform to the conditions of regulation 7(2) or be obtained from animals outside the restricted area;

(ii) all milk products used in the final product must either conform to the conditions of paragraph (2)(a) or (b) of this regulation or be made from milk obtained from animals outside the restricted area;

(iii) the milk products must only be intended for human consumption and all milk products used in the final product will either conform to the conditions of paragraphs 3(a)(i) and (ii) above or meet the conditions of paragraph (2)(d) or (2)(e) of this regulation;

(iv) the establishment shall be under strict veterinary control; and

(v) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch; or

(b) milk products prepared in parts of the United Kingdom outside the restricted area using milk obtained before 1 February 2001 from the restricted area provided that the milk products are clearly identified and transported and stored separately from milk products not destined for dispatch.

(4) Milk products consigned to another member State shall be accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words—

"Milk products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2)(a), (b), (d) or (e) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 13, and the milk products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2)(a), (b), (d) or (e) and which have been treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Dispatch of semen, etc.

9.—(1) No person shall dispatch semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates.

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

(a) frozen bovine and porcine semen produced before 1st February 2001; or

(b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions laid down in—

(i) 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**));

(ii) 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**)); and

(iii) Council Directive 90/429/EEC (laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(**c**));

and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos to which the prohibition in paragraph (1) applies;

(c) frozen bovine and porcine semen produced in accordance with the provisions of Council Directive 88/407/EEC or Council Directive 90/429/EEC after 30th September 2001 and also approved under these Regulations, subject to the following conditions—

(i) the donor bull or boar showed no clinical sign of foot-and-mouth disease on the day of collection of the semen;

(ii) the donor bull or boar was kept in the semen collection centre for at least three months (which may include the isolation period of at least 30 days in isolation accommodation attached to the semen collection centre) prior to the collection of the semen;

(iii) no animal was introduced into the semen collection centre during the 30 days prior to the collection of the semen;

(iv) the semen collection centre has been free from foot-and-mouth disease for at least three months and no case of foot-and-mouth disease has occurred within a 10 kilometre radius around the semen collection centre for the 30 days before and after the collection of the semen;

(v) no animal in the semen collection centre has been vaccinated against foot-and-mouth disease;

(vi) the donor bull or boar showed a negative response to a test for antibodies against the foot-and-mouth disease virus carried out at least 21 days after the collection of the last semen of the consignment and the negative test results were available before dispatch of the semen;

(vii) prior to dispatch the frozen semen was stored for a period of at least 30 days immediately following collection and during the first 30 days of the storage period no animal in the semen collection centre where the donor boar or bull was kept showed any sign of foot-and-mouth disease;

(viii) the semen was collected, processed and stored separately from semen which is not eligible for dispatch; and

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(**a**) OJ No. L194, 22.7.1988, p. 10 as last amended by the Act of Accession of Austria, Finland and Sweden.
(**b**) OJ No. L302, 19.10.1989, p. 11 as last amended by the Act of Accession of Austria, Finland and Sweden.
(**c**) OJ No. L224, 18.8.1990, p. 62 as last amended by Council Decision 2001/36/EC (OJ No. L13, 19.1.2000, p. 21.

(ix) all semen collected, processed and frozen in the semen collection centre was dispatched from the semen collection centre in a way that avoids any risk of introducing foot-and-mouth disease into the centre.

(3) The health certificate provided for in Council Directive 88/407/EEC accompanying frozen bovine semen consigned to another member State shall bear the following words—

"Frozen bovine semen conforming to Commission Decision 2001/172/EC of 1st March 2001 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 accompanying bovine embryos consigned to another member State shall bear the following words—

"Bovine embryos conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) The health certificate provided for in Council Directive 90/429/EC accompanying porcine semen to other member States shall bear the following words—

"Frozen porcine semen conforming to Commission Decision 2001/740/EC of 19 October 2001 on certain protective measures with regard to foot-and-mouth disease in the United Kingdom".

Dispatch of hides and skins

10.—(1) No person shall dispatch hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(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 paragraphs 1(B), indents 3 and 4 of Chapter 3 of Annex 1 to Directive 92/118/EEC if treated hides and skins are separated effectively from untreated hides and skins.

(3) Hides and skins consigned to another member State must be accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate stating—

"Hides and skins conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(4) Paragraph (3) shall not apply to hides and skins which conform to the requirements of either

(a) paragraph 1(A) indents 2 to 5 of Chapter 3 of Annex 1 to Council Directive 92/118/EEC; or

(b) paragraph 1(B) indents 3 and 4 of Chapter 3 to Annex 1 to Council Directive 92/118/EEC

if compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed (in the case of sub-paragraph (b)) in accordance with regulation 13.

Dispatch of animal products

11.—(1) No person shall dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations produced after 1st February 2001.

(2) No person shall dispatch dung or manure.

(3) 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) blood and blood products as defined in Chapter 7 of Annex 1 to Council Directive 92/118/EEC which have been subjected to—

(i) heat treatment at a temperature of 65°C for at least three hours followed by an effectiveness check;

(ii) irradiation at 2.5 megarads or gamma rays followed by an effectiveness check;

(iii) change of pH to pH5 or lower for at least two hours, followed by an effectiveness check; or

(iv) a treatment as provided for in Chapter 4 of Annex 1 to Council Directive 92/118/EEC;

(c) lard and rendered fats which have been subjected to the heat treatment prescribed in paragraph 2(A) of chapter 9 of Annex 1 to Council Directive 92/118/EEC;

(d) animal casings to which the provisions of paragraph B Chapter 2 of Annex 1 to Council Directive 92/118/EEC apply adapted as necessary to suit the case;

(e) sheep wool, ruminant hair and pigs' bristles which have undergone factory washing or have been obtained from tanning and unprocessed sheep wool, ruminant hair and pigs' bristles which are securely enclosed in packaging and dry;

(f) semi-moist and dried petfood conforming to the requirements of paragraphs 2 and 3 respectively of Chapter 4 of Annex 1 to Council Directive 92/118/EEC;

(g) composite products which are not subjected to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations;

(h) game trophies in accordance with paragraph 2(b) of Part B of Chapter 13 to Annex 1 to Council Directive 92/118/EEC; or

(i) packed products intended for use as in-vitro diagnostic or laboratory reagents.

(4) The animal products must be accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate stating—

"Animal products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to products specified in sub-paragraphs (b), (c) or (d) of paragraph (3) which have a commercial document required under the Products of Animal Origin (Import and Export) Regulations 1996(**a**) endorsed in accordance with regulation 13 of these Regulations.

(6) Paragraph (4) shall not apply to products specified in sub-paragraphs (e) of paragraph (3) which are accompanied by a commercial document stating either—

(a) that the products have undergone factory washing or have been obtained from tanning; or

(b) that the products comply with the conditions laid down in paragraphs (2) and (4) of Chapter 15 of Annex 1 to Council Directive 92/118/EEC.

(7) Paragraph (4) shall not apply to products specified in sub-paragraph (g) of paragraph (3) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these regulations and they have a commercial document endorsed in accordance with regulation 13.

(8) Paragraph (4) shall not apply to products specified in sub-paragraph (i) of paragraph (3) if they are accompanied by a commercial document stating that the products are for use as in-vitro diagnostic or laboratory reagents, provided that the products are clearly labelled "for in-vitro diagnostic use only" or "for laboratory use only".

Exemptions

12. The prohibitions in regulations 6, 7, 8 and 11 shall not apply in relation to—

(a) products produced and packaged outside the United Kingdom if the packaging indicates the country of origin and they remain in their original packaging; or

(b) products which are—

(i) produced in an establishment in the restricted area approved by the Secretary of

(**a**) S.I. 1996/3124.

State or the Minister from pre-processed products originating outside that area which, since introduction into the United Kingdom have been transported, stored and processed separately from products not destined for dispatch; and

(ii) accompanied by a commercial document or official certificate as required by these Regulations.

Endorsement of commercial documents

13.—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate stating that the production process has been audited and found to be in accordance with these Regulations and suitable to destroy the foot-and-mouth disease virus or that the products concerned have been produced from pre-processed materials which have been certified accordingly and that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

(2) The certificate shall bear a reference to the Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

(3) In case of products for retail sale to the final consumer, a consolidated load of products other than fresh meat, minced meat and meat preparations, each of which is eligible for dispatch in accordance with these Regulations, may be dispatched from approved premises accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which—

(a) confirms that the premises of dispatch has in place a system to ensure that goods can only be dispatched if they are traceable to documentary evidence of compliance with these Regulations;

(b) confirms that this system has been audited and found satisfactory;

(c) refers to the Decision;

(d) is valid for 30 days;

(e) states the expiry date; and

(f) is renewable only after the establishment has been audited with satisfactory results.

Third country certificates

14. No person shall dispatch anything to which these Regulations apply to a third country unless the consignment is accompanied by an official certificate prepared by the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate certifying compliance with the Regulations.

Export of equidae

15.—(1) Any person dispatching equidae shall ensure that they are accompanied by a health certificate in accordance with the model in Annex C of Directive 90/426/EEC on animal health conditions governing the movement and import from third countries of equidae(**a**).

(2) A veterinary inspector shall only issue a certificate referred to in paragraph (1) if—

(a) he is satisfied that the animal has not come from a holding in relation to which a notice in Form A or Form D is in effect in accordance with the Foot-and-Mouth Disease Order 1983(**b**):

(b) he has inspected the animal and is satisfied that it has been groomed to remove as far as practicable visible faeces, dirt and debris and that its hooves have been cleaned and disinfected to his satisfaction; and

(c) the owner of the animal or the owner's representative has given a written declaration

(**a**) OJ No. L224, 18.8.90, p. 42.

(**b**) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards England by S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1078, S.I. 2001/1407, S.I. 2001/1514 and S.I. 2001/1862.

to the veterinary inspector stating that the equine animal will remain on the holding until sent to the place of destination stated in the health certificate, without stopping at any holding in relation to which a notice in Form A or Form D is in effect in accordance with the Foot-and-Mouth Disease Order 1983.

(3) The health certificate accompanying equidae exported to another member State in accordance with the provisions of this article shall bear the following words—

"Equidae conforming to Commission Decision 2001/356/EC of 4 May 2001, concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(4) Paragraph (1) shall not apply to equidae in transit from outside the United Kingdom which are accompanied by a valid health certificate in accordance with the model in Annex C of Council Directive 90/426/EEC.

Offers to dispatch or export

16. No person shall offer to dispatch or export, or accept orders for the dispatch or export of, anything prohibited from being dispatched or exported by these Regulations, whether on the internet or otherwise.

Powers of inspectors

17.—(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 (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, 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 these Regulations, 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.

Powers of customs officers

18. A customs officer may detain any vehicle, vessel, container or anything which he reasonably suspects to contain animals or products controlled by these Regulations for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

Illegal consignments

19.—(1) Where an inspector knows or suspects that animals or animal products are intended for dispatch and do not comply with the requirements of these Regulations he may serve a notice on the person in charge of the consignment prohibiting the dispatch of the animals or products in the consignment until he is satisfied that the animals or products comply with the Regulations.

(2) No person shall dispatch anything subject to a notice served under this regulation unless it has been revoked.

(3) A notice under this section shall be in writing, may be subject to conditions and may be amended or revoked by further notice in writing at any time.

(4) Animals imported in contravention of these Regulations shall be dealt with as specified in regulation 13 of the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000(**a**).

(**a**) S.I. 2000/1673.

Fees

20. The Food Standards Agency may charge the occupier of any premises at which supervision or inspection is carried out for the purposes of establishing the eligibility for dispatch of products under these Regulations a reasonable fee in respect of costs reasonably incurred.

Obstruction

21.—(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 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.

(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.

Furnishing false information

22. No person shall furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

Offences by bodies corporate

23.—(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

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

(2) A person guilty of an offence under regulation 16 or regulation 21(1)(a) or (b) 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 on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Certificates, approvals, etc. issued in another part of the British Islands

25.—(1) Where these Regulations require any certificate, licence or approval to be issued or granted by the Secretary of State in England, an equivalent certificate, licence or approval issued in another part of the British Islands by the relevant competent authority is valid.

(2) Where these Regulations require anything to be processed in approved premises in England, anything processed in premises approved for those purposes in another part of the British Islands shall be treated as if it had been processed in approved premises in England.

Enforcement

26. These Regulations shall be enforced by the Secretary of State or the local authority.

Revocations

27. The Import and Export Restrictions (Foot-and-Mouth Disease) (No. 10) Regulations 2001(**a**) and the Import and Export Restrictions (Foot-and-Mouth Disease) (No. 10) (Fees) Regulations 2001(**b**) are revoked.

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

3.55 p.m.
5th November 2001

(**a**) S.I. 2001/3451.
(**b**) S.I. 2001/3509.

SCHEDULE

Permitted areas

COUNTIES IN ENGLAND

Administrative Area	B	S/G	P	FG	WG
Bedfordshire consisting of *Bedford* *Luton District*	+	-	+	-	-
Berkshire consisting of *Bracknell Forest* *Reading* *West Berkshire* *Windsor & Maidenhead* *Wokingham* *Slough*	+	-	+	-	-
Buckinghamshire *Buckinghamshire County* *Milton Keynes*	+	-	+	-	-
Cambridgeshire consisting of *Cambridgeshire County* *City of Peterborough*	+	-	+	-	-
Cheshire consisting of *Halton* *Cheshire County*	-	-	+	-	-
Cornwall County *Cornwall County*	-	-	+	-	-
Derbyshire consisting of *City of Derby* *Derbyshire County*	-	-	+	-	-

Dorset consisting of *Dorset County* *Bournemouth* *Poole*	+	-	+	-	-
Essex consisting of *Southend-on-Sea* *Essex County* *Thurrock*	-	-	+	-	-
Gloucestershire consisting of *South Gloucestershire* *Gloucestershire County*	-	-	+	-	-
Hampshire consisting of *Hampshire County* *City of Portsmouth* *City of Southampton*	+	-	+	-	-
Isle of Wight *Isle of Wight*	+	-	+	-	-
Hereford & Worcester consisting of *Worcestershire*	-	-	+	-	-
Hertfordshire *Hertfordshire*	+	-	+	-	-
Kent consisting of *Medway* *Kent County*	-	-	+	-	-
Lancashire consisting of *Blackpool*	-	-	+	-	-
Leicestershire consisting of *City of Leicester* *Rutland* *Leicester County*	-	-	+	-	-
Lincolnshire *Lincolnshire*	+	-	+	-	-

Merseyside consisting of *Knowsley District* *Liverpool District* *Sefton District* *St Helens District*	+	-	+	-	-
East London *East London*	-	-	+	-	-
South East London *South East London*	-	-	+	-	-
Norfolk *Norfolk*	+	-	+	-	-
Northamptonshire *Northamptonshire*	-	-	+	-	-
Nottinghamshire consisting of *City of Nottingham* *Nottinghamshire County*	+	-	+	-	-
Oxfordshire *Oxfordshire*	-	-	+	-	-
Avon consisting of *Bath & North East Somerset* *City of Bristol* *South Gloucestershire* *North Somerset*	-	-	+	-	-
Somerset *Somerset*	-	-	+	-	-
Staffordshire consisting of *City of Stoke-on-Trent* *Staffordshire County*	-	-	+	-	-
Suffolk *Suffolk*	+	-	+	-	-
Isles of Scilly *Isles of Scilly*	+	-	+	-	-
Surrey *Surrey*	+	-	+	-	-

East Sussex consisting of *Brighton & Howe* *East Sussex County*	+	-	+	-	-
West Sussex *West Sussex*	+	-	+	-	-
Warwickshire *Warwickshire*	-	-	+	-	-
Greater Manchester consisting of *Tameside District* *Oldham District* *Rochdale District* *Bury District* *Bolton District* *Salford District* *Trafford District* *Manchester District* *Stockport District* *Wigan District*	+ -	- -	+ +	- -	- -
Wiltshire consisting of *Swindon* *Wiltshire County*	-	-	+	-	-
West Midlands consisting of *Birmingham District* *Dudley District* *Sandwell District* *Solihull District* *Walshall District* *Wolverhampton District* *Coventry District*	+	-	+	-	-
South Yorkshire consisting *Barnsley District* *Doncaster District* *Rotherham District* *Sheffield District*	+	-	+	-	-

West Yorkshire consisting of *Wakefield District* *Kirklees District* *Calderdale District*	+	-	+	-	-
Beverley-North Yorkshire consisting of *York* *Selby District*	+	-	+	-	-
Humberside consisting of *East Riding of Yorkshire* *City of Kingston upon Hull* *North East Lincolnshire* *North Lincolnshire*	+	-	+	-	-

COUNTIES IN SCOTLAND

Administrative Unit	B	S/G	P	FG	WG
Orkney Islands *Orkney Islands*	+	-	+	-	-
Western Islands *NA H-Eilcanan An lar*	+	-	+	-	-
Shetland Islands *Shetland Islands*	+	-	+	-	-
Wick consisting of *Part of Highland*	+	-	+	-	-
Elgin consisting of *Moray* *Part of Highland*	+	-	+	-	-
Inverness consisting of *Part of Highland*	+	-	+	-	-
Aberdeenshire consisting of *Aberdeen City* *Aberdeenshire*	+	-	+	-	-
Forfar consisting of *Angus* *Dundee City*	+	-	+	-	-
Perth consisting of *Clackmannanshire* *Perth & Kinross*	+	-	+	-	-
Cupar *Fife*	+	-	+	-	-
Edinburgh consisting of *Falkirk* *Midlothian* *West Lothian* *City of Edinburgh* *East Lothian*	+	-	+	-	-

Galashiels *Scottish Borders*	-	-	+	-	-
Stirling *Stirling*	+	-	+	-	-
Oban *Argyll and Bute*	+	-	+	-	-
Hamilton consisting of *East Dunbartonshire* *East Renfrewshire* *City of Glasgow* *Inverclyde* *North Lanarkshire* *Renfrewshire* *South Lanarkshire* *West Dunbartonshire*	+	-	+	-	-
Ayr consisting of *East Ayrshire* *North Ayrshire* *South Ayrshire*	+	-	+	-	-
Stranraer consisting of *Part of Dumfries & Galloway*	-	-	+	-	-
Dumfries consisting of *Part of Dumfries & Galloway*	-	-	+	-	-

COUNTIES IN WALES

Administrative Unit	B	S/G	P	FG	WG
Gwynedd consisting of	+	-	+	-	-
Conwy					
Gwynedd					
Isle of Anglesey	+	+	+	-	-
Dyfed consisting of	+	-	+	-	-
Sir Gaerfyrddin-Carmarthen					
Sir Ceredigion-Ceredigion					
Sir Benfro-Pembrokeshire					
Clwyd consisting of	+	-	+	-	-
Sir Ddinbych-Denbigshir					
Sir Y Fflint-Flintshire					
Wrecsam-Wrexham					
South Glamorgan consisting of	-	-	+	-	-
Bro Morganng-The Vale of Glamorgan					
Mid Glamorgan consisting of	-	-	+	-	-
Pen-y-Bont Ar Ogwr-Bridgend					
West Glamorgan consisting of		-		-	-
Abertawe-Swansea	+		+		
Castell-Nedd Port Talbot-Neath Port Talbot	+		+		

B = bovine meat

S/G = sheep and goat meat

P = pig meat

FG = farmed game of species susceptible to food-and-mouth disease

WG = wild game of species susceptible to food-and-mouth disease

+ means an area where the animals indicated in the column may be sourced.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England, implement Commission Decision 2001/763/EC (amending Decision 2001/740/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/356/EC (OJ No. L287, 31.10.2001, p. 36). They revoke and replace the Import and Export Restrictions (Foot-and-Mouth Disease) (No. 10) Regulations 2001 (S.I. 2001/3451) Import and Export Restrictions (Foot-and-Mouth Disease) (No. 10) (Fees) Regulations 2001 (S.I. 2001/3509).

They regulate—

- — the import and export of live animals (regulation 4)
- — the export of fresh meat (including minced meat and meat preparations) from bovine, ovine, caprine and porcine animals, and provide that meat from porcine animals from certain counties (including animals raised in some counties in Scotland and Wales) can be exported subject to conditions (regulation 5 and the Schedule)
- — the export of meat products, milk, milk preparations (regulations 6, 7 and 8)
- — the export of semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates (regulation 9), hides and skins (regulation10) and various animal products (regulation 11)
- — the export of equidae (regulation 15).

They create an offence of offering to export anything which it is prohibited to export under the Regulations (regulation 16).

They provide powers for enforcement, and powers for officers of HM Customs and Excise (regulations 17, 18 and 19) and create an offence of obstruction (regulation 21).

Breach of the Regulations is an offence. In the case of obstruction, the maximum penalty on summary conviction is a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both. A person guilty of any other offence under these Regulations is 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 on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

The Regulations are enforced by the Secretary of State or the local authority (regulation 26).

A regulatory impact assessment has not been prepared for these Regulations.

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