



STATUTORY INSTRUMENTS

S.I. No. 19 of 2009



EUROPEAN COMMUNITIES (BOVINE BREEDING) REGULATIONS
2009

(Prn. A9/0125)

EUROPEAN COMMUNITIES (BOVINE BREEDING) REGULATIONS
2009

INDEX

1. Citation
2. Interpretation
3. Application
4. Approval of certain activities
5. Breeding animals
6. Semen
7. Ova and Embryos
8. Entering animals in a herdbook
9. List of Approvals
10. Records
11. Appointment of authorised officer
12. Powers of authorised officer
13. Search Warrant
14. Evidence on Certificate, etc.
15. Forgery
16. Obstruction
17. Assistance to authorised officer
18. Fees
19. Designation of Competent Authorities
20. Fixed Payment Notice
21. Offences
22. Revocations and Savers

S.I. No. 19 of 2009

EUROPEAN COMMUNITIES (BOVINE BREEDING) REGULATIONS
2009

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 effect to Council Directive No. 77/504/EEC of 25 July 1977¹, (as amended by Council Directive No. 79/268/EEC of 5 March 1979², Council Directive No. 85/586/EEC of 20 December 1985³, Council Directive No. 91/174/EEC of 25 March 1991⁴, Council Directive No. 94/28/EC of 23 June 1994⁵, Council Regulation (EC) No. 807/2003 of 14 April 2003⁶, Council Directive No. 87/328/EEC of 18 June 1987⁷ (as amended by Council Directive No. 2005/24/EC of 14 March 2005⁸), Council Directive No. 88/407/EEC of 14 June 1988⁹ (as amended by Council Directive No. 90/120/EEC of 5 March 1990¹⁰, Council Directive No. 90/425/EEC of 26 June 1990¹¹, Council Directive No. 93/60/EEC of 30 June 1993¹², Council Regulation (EC) No. 806/2003 of 14 April 2003¹³, Council Directive No. 2003/43/EC of 26 May 2003¹⁴, Commission Decision No. 2004/101/EC of 6 January 2004¹⁵, Commission Decision No. 2006/16/EC of 5 January 2006¹⁶, Commission Decision No. 2008/120/EC of 7 February 2008¹⁷), Council Directive No. 89/556/EEC of 25 September 1989¹⁸ (as amended by Council Directive No. 90/425/EEC of 26 June 1990¹¹, Council Directive No. 93/52/EEC of 24 June 1993¹⁹, Commission Decision No. 94/113/EC of 8 February 1994²⁰, Council Regulation (EC) No. 806/2003 of 14 April 2003¹³, Commission Decision No. 2006/60/EC of 2 February 2006²¹), Council Directive No. 90/425/EEC of 26 June 1990¹¹ (as amended by Council Directive No. 91/174/EEC of 25 March 1991⁴, Council Directive No. 91/496/EEC of 15 July 1991²², Council Directive No. 92/60/EEC of 30 June

¹ OJ No. L 206, 12.8.77, p.8

² OJ No. L 62, 13.3.79, p. 5

³ OJ No. L 372, 31.12.85, p.44

⁴ OJ No. L 85, 5.4.1991 p.37

⁵ OJ No. L 178, 12.7.1994, p.66

⁶ OJ No. L 122, 16.5.2003, p. 36

⁷ OJ No. L 167, 26.6.1987, p.54

⁸ OJ No. L 78, 24.3.2005, p.43

⁹ OJ No. L 194, 22.7.88, p.10

¹⁰ OJ No. L 71, 17.3.90, p.37.

¹¹ OJ No. L 224, 18.8.90, p.29

¹² OJ No. L 186, 28.7.1993, p.28

¹³ OJ No. L 122, 16.5.2003, p.1

¹⁴ OJ No. L 143, 11.6.2003, p.23

¹⁵ OJ No. L 30, 4.2.2004, p.15

¹⁶ OJ No. L 11, 17.1.2006, p.21

¹⁷ OJ No. L 42, 16.2.2008, p.63

¹⁸ OJ No. L 302, 19.10.1989, p.1

¹⁹ OJ No. L 175, 19.7.1993, p.21

²⁰ OJ No. L 53, 24.2.1994, p.23

²¹ OJ No. L 31, 3.2.2006, p.24

²² OJ No. L 268, 24.9.1991, p.56

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 30th January, 2009.*

1992²³, Council Directive No. 92/65/EEC of 13 July 1992²⁴, Council Directive No. 92/118/EEC of 17 December 1992²⁵, Directive No. 2002/33/EC of the European Parliament and of the Council of 21 October 2002²⁶), Commission Decision No. 84/247/EEC of 27 April 1984²⁷ (as amended by Commission Decision No. 2007/371/EC of 29 May 2007²⁸), Commission Decision No. 84/419/EEC of 19 July 1984²⁹ (as amended by Commission Decision No. 2007/371/EC of 29 May 2007²⁸), Commission Decision No. 2005/379/EC of 17 May 2005³⁰, Commission Decision No. 2006/427/EC of 20 June 2006³¹, Commission Decision No. 96/509/EC of 18 July 1996³², Commission Decision No. 96/510/EC of 18 July 1996³³ (as amended by Commission Decision No. 2004/186/EC of 16 February 2004³⁴), Commission Decision No. 2006/168/EC of 4 January 2006³⁵, (as amended by Commission Regulation (EC) No. 1792/2006 of 23 October 2006³⁹), Commission Decision No. 2004/639/EC of 6 September 2004³⁶ (as amended by Commission Decision No. 2005/290/EC of 4 April 2005³⁷, Commission Decision No. 2006/16/EC of 5 January 2006¹⁶, Commission Decision No. 2006/292/EC of 12 April 2006³⁸, Commission Regulation (EC) No. 1792/2006 of 23 October 2006³⁹), Commission Decision No. 2007/240/EC of 16 April 2007⁴⁰, Council Decision No. 96/463/EC of 23 July 1996⁴¹ and Commission Decision No. 2008/155/EC of 14 February 2008⁴² (as amended by Commission Decision 2008/449/EC of 10 June 2008⁴³), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Communities (Bovine Breeding) Regulations 2009.

Interpretation

2. (1) In these Regulations,—

“authorised officer” means—

(a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No.3 of 2001) of the Diseases of Animals Act 1966 (No.6 of 1966),

²³ OJ No. L 268, 14.9.1992, p.75

²⁴ OJ No. L 268, 14.9.1992, p.54

²⁵ OJ No. L 62, 15.3.1993, p.49

²⁶ OJ No. L 315, 19.11.2002, p.14

²⁷ OJ No. L 125, 12.5.1984, p.58

²⁸ OJ No. L 140, 1.6.2007, p.49

²⁹ OJ No. L 237, 5.9.1984, p.11

³⁰ OJ No. L 125, 18.5.2005, p. 15

³¹ OJ No. L 169, 22.6.2006, p.56

³² OJ No. L 210, 20.8.1996, p.47

³³ OJ No. L 210, 20.8.1996, p. 53

³⁴ OJ No. L 57, 25.2.2004, p. 27

³⁵ OJ No. L 57, 28.2.2006, p. 19

³⁶ OJ No. L.292, 15.09.2004, p. 21

³⁷ OJ No. L93, 12.4.2005, p. 34

³⁸ OJ No. L107, 20.4.2006, P.42

³⁹ OJ No. L.362, 20.12.2006, p.1

⁴⁰ OJ No. L 104, 21.4.2007, p. 37

⁴¹ OJ No. L 192, 2.8.1996, p. 19

⁴² OJ No. L 50, 23.2.2008, p.51

⁴³ OJ No. L 157, 17.6.2008, p. 108

- (b) a member of the Garda Síochána,
- (c) an officer of Customs and Excise,
- (d) a person who immediately before the making of these Regulations was an authorised officer within the meaning of the Regulations revoked by Regulation 22, or
- (e) a person appointed under Regulation 11;

“breeding animal” means a bovine animal including buffalo used for breeding;

“breeders’ organisation” means a breeders’ organisation or association which establishes or maintains a herd book for pure-bred breeding animals;

“centre veterinarian” means a registered veterinary practitioner within the meaning of the Veterinary Practice Act 2005 (No. 22 of 2005) responsible for the day to day supervision of a semen collection centre or semen storage centre;

“Embryos Directive” means Council Directive No. 89/556/EEC of 25 September 1989 as amended by Council Directive No. 90/425/EEC of 26 June 1990, Council Directive No. 93/52/EEC of 24 June 1993, Commission Decision No. 94/113/EC of 8 February 1994, Council Regulation (EC) No. 806/2003 of 14 April 2003 and Commission Decision No. 2006/60/EC of 2 February 2006;

“Minister” means Minister for Agriculture, Fisheries & Food;

“performance recording and genetic evaluation” means the performance recording and genetic evaluation of a breeding animal for the purpose of assessing its genetic merit;

“purchase” means to acquire whether for consideration or otherwise;

“premises” includes land with or without buildings, a vehicle (including a boat, ship, hovercraft, aircraft or offshore installation (being an offshore installation within the meaning of the Safety, Health and Welfare (Offshore Installations) Act 1987 (No. 18 of 1987)), railway wagon, other means of transport, container or other thing used in connection with, or ancillary to such a thing;

“sell” includes offer, expose or keep for sale, invite an offer to buy, or distribute for reward or otherwise (whether directly or through another person);

“Semen Directive” means Council Directive No. 88/407/EEC of 14 June 1988 as amended by Council Directive No. 90/120/EEC of 5 March 1990, Council Directive No. 90/425/EEC of 26 June 1990, Council Directive No. 93/60/EEC of 30 June 1993, Council Regulation (EC) No. 806/2003 of 14 April 2003, Council Directive No. 2003/43/EC of 26 May 2003, Commission Decision No. 2004/101/EC of 6 January 2004, Commission Decision No. 2006/16/EC of 5 January 2006 and Commission Decision No. 2008/120/EC of 7 February 2008;

“supply” includes to give without reward;

“team veterinarian” means the registered veterinary practitioner within the meaning of the Veterinary Practice Act 2005 (No. 22 of 2005) responsible for the supervision of an ova/embryo collection/production team;

“third country” means a country or territory which is not a Member State;

“zootechnical certificate” means a certificate detailing the identity, ancestry, blood type, and performance or progeny test results;

“Zootechnical Directive” means Council Directive No. 77/504/EEC of 25 July 1977 as amended by Council Directive No. 79/268/EEC of 5 March 1979, Council Directive No. 85/586/EEC of 20 December 1985, Council Directive No. 91/174/EEC of 25 March 1991, Council Directive No. 94/28/EC of 23 June 1994 and Council Regulation (EC) No. 807/2003 of 14 April 2003;

(2) A word or expression that is used in a Directive or Decision cited in these Regulations or the preamble to these Regulations and that is also used in these Regulations has, in these Regulations, the same meaning as in the Directive or Decision in which it is used.

Application

3. These Regulations do not apply to embryos derived by transfer of nuclei collected, processed and stored in a Member State before 1 January 1991 or to semen collected, processed and stored in the State before 1 January 1990.

Approval of certain activities

4. (1) A person shall not—

- (a) use a premises or act as a semen collection centre or cause or permit another person to use a premises or act as a semen collection centre except under and in accordance with an approval (“semen collection centre approval”),
- (b) use a premises or act as a semen storage centre or cause or permit another person to use a premises or act as a semen storage centre except under and in accordance with an approval (“semen storage centre approval”),
- (c) act as a centre veterinarian or team veterinarian or cause or permit another person to act as a centre veterinarian or team veterinarian relating to the centre at, or team by, which he or she is employed or engaged, or operates, except under and in accordance with an approval (“centre [or team] veterinarian approval”),
- (d) act as part of an ova or embryo collection or production team or cause or permit another person to act as part of an ova or embryo collection or production team except under and in accordance with an approval (“ova or embryo collection [or production] team approval”),

- (e) act as a breeders' organisation, or cause or permit another person to act as a breeders' organisation, except under and in accordance with an approval ("breeders' organisation approval"),
- (f) carry out, or cause or permit another person to carry out, the activities of performance recording and genetic evaluation or publication of evaluation results except under and in accordance with an approval ("genetic evaluation approval"),
- (g) use semen for artificial insemination or fertilisation unless such semen is approved under and in accordance with an approval ("semen approval"), or
- (h) carry out or cause to be carried out a scientific or educational programme involving the sale or supply of semen, ova or embryos except under and in accordance with an approval ("scientific or educational programme approval").

(2) Notwithstanding paragraph (1)(h), Teagasc, an Institute of Technology or a university may carry out a research programme involving semen, ova or embryos of breeding animals if the semen, ova or embryos are not sold or supplied.

(3) The Minister may grant an approval, attach conditions to an approval, vary a condition, attach a new condition, withdraw an approval or refuse an application.

(4) An application shall be made in a form, be accompanied by any material and contain such information as the Minister may specify.

(5) The Minister shall not consider an application if the applicant does not have legal personality, the application does not contain all the material and particulars sought by the Minister or if it is not accompanied by the fee (if any) set in accordance with Regulation 18.

(6) An approval shall be valid for such period as the Minister may determine.

(7) Without prejudice to the generality of paragraph (3), the Minister may refuse an application or withdraw an approval if—

- (a) the applicant or person to whom an approval is granted has been convicted of an offence under the Diseases of Animals Act 1966 or Regulations made under the European Communities Act 1972 that relates to an animal, semen, ova or embryos,
- (b) the applicant or person to whom an approval is granted is not, in the opinion of the Minister, suitably qualified or experienced, or does not comply with a condition attached to an approval,
- (c) the applicant or person to whom an approval is granted is not, in the opinion of the Minister, a fit and proper person for approval,

(d) it is, in the opinion of the Minister—

- (i) necessary to prevent the risk or spread of animal or human disease,
- (ii) necessary to eradicate animal or human disease, or
- (iii) necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Communities.

(8) Without prejudice to the generality of paragraph (3), the Minister shall refuse an application or withdraw an approval if—

(a) in the case of an application for, or a semen collection centre approval, the applicant, holder or premises to which the approval relates, in the opinion of the Minister, does not comply with-

- (i) the conditions for the approval of a semen collection centre specified in Chapter I of Annex A to the Semen Directive,
- (ii) the conditions relating to the supervision of a semen collection centre specified in Chapter II of Annex A to the Semen Directive,
- (iii) the conditions applying to the movement of an animal into a semen collection centre specified in Chapter I of Annex B to the Semen Directive,
- (iv) the routine tests and treatment which shall be applied to a bovine animal in a semen collection centre specified in Chapter II of Annex B to the Semen Directive, or
- (v) the requirement that any analysis required by Annex B to the Semen Directive is carried out in approved laboratories,

(b) in the case of an application for, or a semen storage centre approval, the applicant, holder or premises to which the approval relates, in the opinion of the Minister, does not comply with-

- (i) the conditions for the approval of a semen storage centre specified in Chapter I of Annex A to the Semen Directive, or
- (ii) the conditions relating to the supervision of a semen storage centre specified in Chapter II of Annex A to the Semen Directive,

(c) in the case of an application for, or a centre veterinarian approval or team veterinarian approval, the applicant or holder of the approval, in the opinion of the Minister,-

- (i) is not appropriately qualified or does not have the appropriate expertise,

- (ii) proposes or purports to act as a centre veterinarian in respect of a centre other than the centre(s) to which the application relates or the centre(s) specified in the approval, or
 - (iii) proposes or purports to act as a team veterinarian in respect of a team other than the team to which the application relates or the team(s) specified in the approval,
- (d) in the case of an application for, or an ova or embryo collection or production team approval, the applicant, holder or premises to which the approval relates, in the opinion of the Minister, does not comply with-
 - (i) the conditions for the approval of an ova/embryo collection or production team specified in Chapter I of Annex A to the Embryos Directive,
 - (ii) the conditions relating to the collection, processing, storage and transport of ova/embryos by an ova/embryo collection or production team as specified in Chapter II of Annex A to the Embryos Directive, or
 - (iii) the conditions applying to a donor animal specified in Annex B to the Embryos Directive,
- (e) in the case of an application for, or a breeders' organisation approval, the applicant, holder or premises to which the approval relates, in the opinion of the Minister, does not comply with the criteria set out in Commission Decision 84/247/EEC of 27 April 1984, as amended,
- (f) in the case of an application for, or a genetic evaluation approval, the applicant, holder or premises to which the approval relates, in the opinion of the Minister, does not—
 - (i) have adequate resources, facilities and staff, and where necessary commercial industry support, co-operation and involvement to ensure complete, unbiased and accurate evaluations of animals,
 - (ii) ensure that all animals involved in testing or genetic evaluation are properly identified and that complete and accurate records (being open to inspection at all reasonable times by an authorised officer) are kept as required by the Minister,
 - (iii) enable all aspects of the testing or evaluation to be under the effective supervision of the Minister or another designated competent authority, or
 - (iv) comply with the performance monitoring methods and the methods used for assessing the genetic evaluation of breeding animals for the traits concerned in accordance with Commission Decision 2006/427/EC of 20 June 2006,

- (g) in the case of an application for a semen approval, the application, in the opinion of the Minister, is not supported by—
 - (i) in the case of semen of a pure bred breeding animal, a zootechnical certificate in accordance with Commission Decision 2005/379/EC of 17 May 2005,
 - (ii) in the case of semen from an animal, other than a pure bred breeding animal the ancestry and zootechnical information similar to that referred to in Commission Decision 2005/379/EC of 17 May 2005,
 - (iii) a declaration that the donor animal is, or will be, blood typed or DNA typed and that a blood typing certificate or official DNA typing results will be available on request from a laboratory which shall be stated and acceptable to the Minister,
 - (iv) a declaration of known genetic defects in the animal or its ancestors,
 - (v) in the case of semen for performance testing and genetic evaluation purposes, the name of the holder of an approval in accordance with Regulation 4(1)(f),
 - (vi) in the case of semen for unrestricted use, evidence of the bull's achievement of the genetic merit of the semen for required traits, as specified by the Minister, or
 - (vii) in the case of semen for special breeding purposes, the stated purpose, acceptable to the Minister, for which the semen shall be used,
 - (h) in the case of a scientific or educational programme approval, the applicant to which the approval relates, in the opinion of the Minister, does not provide a detailed programme proposal acceptable to the Minister outlining materials and methods, collaborative partners, the duration and likely benefits of the programme.
- (9) Other than in the case of paragraph (8) or (10), if the Minister proposes to withdraw an approval, or to refuse an application, he or she shall—
- (a) notify the applicant or holder of the approval in writing of the reason for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
 - (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
 - (c) notify the applicant or holder of the approval of the decision and the reasons for the decision.

(10) If the Minister is of the opinion that it is necessary to prevent the risk of, control or eradicate, a disease or to give effect to an act of an institution of the European Communities, he or she may withdraw an approval in accordance with paragraph (11).

(11) If the Minister withdraws an approval in accordance with this Regulation, he or she shall—

- (a) notify the applicant or holder of the approval, in writing, of the decision and the reason for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or holder of the approval of the decision and the reasons for the decision.

(12) The holder of an approval shall inform the Minister if significant changes are made in the operation or organisation of the activities to which the approval relates.

Breeding Animals

5. (1) A person shall not import or export a pure-bred breeding animal unless—

- (a) in the case of exports to other Member States, the animal meets the animal health conditions specified in Council Directive No. 64/432/EEC of 26 June 1964,
- (b) the animal is accompanied by an animal health certificate,
- (c) in the case of intra-Community trade or export to a third country, the animal is accompanied by a zootechnical certificate in accordance with Commission Decision No. 2005/379/EC of 17 May 2005,
- (d) in the case of import from third countries, the animal is
 - (i) entered or registered in a herdbook or register kept by an authority mentioned on a list referred to in Article 3(1),
 - and
 - (ii) accompanied by a pedigree and zootechnical certificate drawn up in accordance with Article 12,
 - or

accompanied by evidence that they are going to be entered or registered in a herdbook or register of a Member State in accordance with Article 12, of Council Directive No. 94/28/EC of 23 June 1994.

Semen

6. (1) Subject to paragraph (2), a person shall not import, export, sell, supply, purchase, have in his or her possession or under his or her control or use, semen, unless the semen—

- (a) is collected and processed in an approved semen collection centre,
 - (b) is collected from an animal that complies with Annex B to the Semen Directive,
 - (c) is collected, processed and transported in accordance with Annexes A and C of the Semen Directive,
 - (d) is accompanied by an animal health certificate in accordance with Article 6(1) of the Semen Directive or a declaration in a form determined by the Minister,
 - (e) in the case of semen imported into the State from another member state or exported from the State, is accompanied by a zootechnical certificate in accordance with Commission Decision No. 2005/379/EC of 17 May 2005.
- (2) A person shall not import semen from a third country unless the semen—
- (a) comes from a third country (or part thereof) on a list drawn up in accordance with Article 8 of the Semen Directive,
 - (b) comes from a semen collection centre or semen storage centre listed in accordance with Article 9 of the Semen Directive,
 - (c) is accompanied by an animal health certificate in accordance with Article 11 of the Semen Directive,
 - (d) comes from an animal which is entered or registered in a herd book kept by an authority shown on one of the lists referred to in Article 3(1) of Council Directive No. 94/28/EC of 23 June 1994,
 - (e) either—
 - (i) comes from an animal which has undergone the performance checks and genetic value assessment determined on the basis of principles provided for in this respect under the Zootechnical Directive, or
 - (ii) if the tests referred to in subparagraph (e)(i) have not been completed, the semen does not exceed the amount required to carry out official tests,
- and

(f) is accompanied by a pedigree and zootechnical certificate drawn up in accordance with the procedure laid down in Article 12 of Council Directive No. 94/28/EC of 23 June 1994.

(3) A person shall not import, from a Member State, semen collected from a bull vaccinated against foot-and-mouth disease during the 12 month period prior to collection unless 5 per cent of the semen from each collection (with a minimum of five straws) intended for import to the State is subjected, in an approved laboratory in a Member State or a laboratory designated by the Minister, to a virus isolation test for foot and mouth disease, with negative results.

(4) A person shall not advertise, sell or supply (whether directly or through another person) semen unless the conditions applying to the publication of genetic evaluation results set out in Schedule A are complied with.

(5) Paragraph (1) does not apply to semen collected on-farm for use on that farm. However, such semen must be processed in an approved semen collection centre.

Ova and embryos

7. (1) Subject to paragraph (2), a person shall not import, export, sell, supply, purchase, have in his or her possession or under his or her control or use, an ovum or embryo, unless the ovum or embryo—

- (a) is conceived as a result of artificial insemination or in vitro fertilisation with semen which complies with Regulation 6,
- (b) is collected, processed, transported and stored in accordance with Chapter II of Annex A to the Embryos Directive,
- (c) is collected by an approved embryo collection team from an animal that complies with Annex B to the Embryos Directive,
- (d) in the case of ova or embryos imported into the State from another member state or exported from the State, is accompanied by—
 - (i) an animal health certificate in accordance with Article 6(1) of the Embryos Directive or
 - (ii) in the case of an embryo produced in the State for use in the State, is accompanied by a declaration in a form determined by the Minister,
- (e) in the case of ova and embryos imported into the State from another member state or exported from the State, is accompanied by a zootechnical certificate in accordance with Commission Decision No. 2005/379/EC of 17 May 2005, and
- (f) if there is more than one ovum or embryo in a straw, is accompanied by a certificate specifying the number of ova or embryos in the straw and that the ova and embryos have the same parentage.

(2) A person shall not import an ovum or embryo from a third country, unless the ovum or embryo—

- (a) comes from a third country (or part thereof) on a list drawn up in accordance with Article 7(1) of the Embryos Directive,
- (b) is collected by an ova or embryo collection or production team authorised to collect, process or store embryos listed in accordance with Article 8(1) of the Embryos Directive,
- (c) conforms to Article 9 and to Chapter III of the Embryos Directive and is accompanied by an animal health certificate in accordance with Article 10 of the Embryos Directive,
- (d) comes from an animal which is entered or registered in a herd book or register kept by an authority shown on one of the lists referred to in Article 3(1) of Council Directive No. 94/28/EC of 23 June 1994, and
- (e) is accompanied by a pedigree and zootechnical certificate to be drawn up in accordance with the procedure laid down in Article 12 of Council Directive No. 94/28/EC of 23 June 1994.

Entering animals in a herd book

8. The holder of a breeders' organisation approval shall only enter an animal in its herd book in accordance with Commission Decision No. 84/419/EEC of 19 July 1984 as amended by Commission Decision No. 2007/371/EC of 29 May 2007.

List of approvals

9. (1) The Minister shall maintain and publish, in a manner that he or she considers appropriate, a list of approvals granted under these Regulations, separate the list into different classes having regard to the activity to which an approval relates and include such information as he or she considers appropriate on the list.

(2) If the Minister withdraws an approval under this Regulation or the approval expires by effluxion of time, an entry on the list maintained under paragraph (1) ceases to have effect and the Minister shall, as soon as possible after withdrawal of the approval, remove details of the withdrawn approval from the list.

Records

10. A record required to be maintained under these Regulations or under an approval shall be maintained for a period of at least three years and be made available on request to an authorised officer.

Appointment of authorised officer

11. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.

- (2) The Minister may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.
- (3) An appointment as an authorised officer ceases—
- (a) if it is terminated pursuant to paragraph 2,
 - (b) if it is for a fixed period, on the expiry of that period, or
 - (c) if the person appointed is an officer of the Minister, upon the person ceasing to be such an officer.
- (4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from re-appointing, as an authorised officer, a person to whom that paragraph relates.
- (5) An officer of the Minister shall furnish an authorised officer appointed under this Regulation with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.
- Powers of authorised officer*
12. (1) If an authorised officer has reasonable cause to suspect that—
- (a) a breeding animal, semen, ovum, embryo, label, package or other thing associated with an animal, semen, ovum or embryo is present, has been present, or may be present on a premises,
 - (b) a breeding animal, semen, ovum or embryo is or has been processed, stored or otherwise dealt with on a premises,
 - (c) a document relating to a breeding animal, semen, ovum, embryo or other thing referred to in paragraph (a) or (b) is present, was present or may be present on a premises, or
 - (d) an offence is being, or has been, committed under these Regulations, the authorised officer may enter the premises and he or she may—
 - (i) search the premises,
 - (ii) stop a person, vehicle, vessel or container,
 - (iii) board and search a vehicle, vessel or container,
 - (iv) search a person, where the authorised officer considers it necessary,
 - (v) examine an animal, semen, ovum or embryo, vehicle, vessel, container or other thing that may consist of or contain an animal, semen, ovum or embryo,

- (vi) take, without payment, samples of an animal, semen, ovum or embryo or other thing (including any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with the breeding animal, semen, ovum or embryo) or an article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (vii) seize and detain (for so long as he or she considers necessary) an animal, semen, ovum, embryo, vessel, vehicle or container,
- (viii) require the production of a document or thing relating to a breeding animal, semen, ovum, embryo, vehicle, vessel or container,
- (ix) retain, examine or copy a document or retain a thing (for so long as he or she considers necessary),
- (x) dispose of, or require the owner or person in charge of or in possession of an animal, semen, ovum or embryo to deal with or dispose of it (or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the animal, semen ovum or embryo) in a manner that the authorised officer sees fit,
- (xi) give a direction to, or request information of, a person regarding an animal, semen, ovum or embryo, a premises or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the animal, semen, ovum or embryo as he or she considers necessary,
- (xii) require the name and address of a person and the name and address of any other person including the person to whom an animal, semen, ovum or embryo is being delivered or who is causing it to be delivered,
- (xiii) require of a person the ownership, identity and origin of an animal, semen, ovum or embryo,
- (xiv) make a record of a thing aforesaid or a process related to a thing aforesaid,
- (xv) mark or otherwise identify an animal, semen, ovum or embryo or a sample taken under subparagraph (vi), or
- (xvi) secure the premises, or part of it, for later inspection.

(2) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 13 other than if he or she has reasonable cause to suspect that before

a search warrant could be sought in relation to the dwelling anything to which paragraph (1) relates is being or is likely to be destroyed or disposed of.

(3) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.

(4) An authorised officer, when exercising a power under this Regulation, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(5) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(6) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing or movement of an animal, semen, ovum or embryo as may be specified by the authorised officer.

(7) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may, without warrant, arrest the person.

Search warrant

13. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting—

- (a) evidence of, or relating to, the commission or intended commission, of an offence under these Regulations is to be found on a premises,
- (b) there is or was a breeding animal, semen, ovum or embryo on a premises,
- (c) a document or other record or equipment related, to a thing to which subparagraph (a) or (b) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Evidence on certificate, etc.

14. (1) In proceedings for an offence under these Regulations, a certificate purported to be signed by a person employed at a laboratory where a sample taken under these Regulations is analysed stating the capacity in which the person is employed and stating—

- (a) that the person received a sample,
- (b) that, for the period specified in the certificate, the person had the sample in his or her possession or control
- (c) that the person gave the sample to another person named in the certificate, or
- (d) the person carried out a procedure for the purpose of detecting in the sample, a substance or contamination or that the sample contained a substance, as is or was, contaminated in a manner, specified in the certificate,

is (without proof of the signature of the person or that he or she is employed at the laboratory), unless the contrary is proved, evidence of the matters stated in the certificate.

(2) A certificate purporting to be signed by an officer of the Minister and to certify that on a specific day or days or during the whole of a specified period—

- (a) a particular person or establishment was not entered on the list of approvals referred to in Regulation 9(1),
- (b) the entry of a person or establishment on the list of approvals was suspended or had been withdrawn,
- (c) a person was or was not the holder of an approval granted under Regulation 4,
- (d) an establishment was or was not approved under Regulation 4, or
- (e) that a particular approval referred to in this paragraph, was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

(3) In proceedings for an offence under these Regulations the court may, if it considers that the interests of the justice so require, direct that oral evidence of matters stated in a certificate under paragraph (1) or (2) be given, and the court may, for the purpose of receiving oral evidence, adjourn the matter.

(4) In any proceedings, evidence of an act of the institutions of the European Communities may be given by production of a copy of the act certified by an

officer of the Minister to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(5) Paragraph (4) is in addition to, and not in substitution for, the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

Forgery

15. (1) A person shall not forge, or utter knowing it to be forged, an approval referred to in Regulation 4, a zootechnical certificate, an animal health certificate, a declaration referred to in Regulation 6(1)(d), a declaration referred to in Regulation 7(1)(d)(ii), or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as "a forged document").

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered, an approval referred to in Regulation 4, a zootechnical certificate, an animal health certificate, a declaration referred to in Regulation 6(1)(d), a declaration referred to in Regulation 7(1)(d)(ii), or an extract therefrom (hereafter in this Regulation referred to as "an altered document").

(3) A person shall not have, without lawful authority, in his or her possession, or under his or her control, a forged document or an altered document.

Obstruction

16. A person shall not—

- (a) obstruct, or impede an authorised officer in the exercise of any of his or her powers under these Regulations,
- (b) fail, without reasonable excuse, to comply with a requirement or direction made by an authorised officer under these Regulations,
- (c) tamper with a sample taken under Regulation 12,
- (d) aid or abet a contravention of these Regulations,
- (e) in making an application for an approval or in purporting to give information required by an authorised officer for the performance of the officer's powers under Regulation 12-
 - (i) make a statement which he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
 - (ii) fail to disclose any material particular.

Assistance to authorised officer

17. A person shall give any assistance requested by an authorised officer or person who accompanies an authorised officer.

Fees

18. (1) The Minister may charge a fee in respect of an application for an approval, authorisation, licence or registration, or for the performance of a function under these Regulations; such fee shall not exceed the cost, estimated by the Minister or other competent authority, of providing the service to which the fee relates.

(2) A fee payable pursuant to this Regulation may be recovered by the Minister from the person by whom it is payable as a simple contract debt in a court of competent jurisdiction.

(3) A fee payable to the Minister pursuant to this Regulation shall be disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

(4) The Public Offices Fees Act 1879 does not apply to a fee charged pursuant to this Regulation.

Designation of competent authorities

19. (1) The Minister may designate or enter into a contract or other arrangement for the performance of a function under these Regulations.

(2) A designation, contract or arrangement to which this Regulation applies may contain such conditions, ancillary and supplementary provisions as appear to the Minister to be necessary for the designation, contract or arrangement to have full effect.

(3) The Minister may at any time alter, revoke or terminate a designation, contract or an arrangement to which sub-section (1) refers.

(4) A designation, arrangement or contract to which paragraph (1) refers, operates so long as it continues in force, to confer on and vest in the person to whom the designation is made, arrangement entered into or contract made with, specified, and subject to any conditions, therein.

(5) A function specified in a designation, arrangement or contract to which paragraph (1) refers is exercisable by the person to whom the designation is made, arrangement entered into, or contract made with, cited, and subject to any conditions, therein.

(6) A designation, arrangement or contract to which paragraph (1) refers does not come into force until a notice outlining the terms thereof is published in *Iris Oifigiúil* and a newspaper circulating in the State.

(7) The existence of a designation, arrangement or contract to which paragraph (1) refers does not derogate from the responsibility of the Minister to Dail Eireann or as a member of the Government for the exercise or performance of the functions therein.

Fixed Payment Notice

20. (1) If an officer authorised in that behalf has reasonable grounds for believing that a person has committed an offence under these Regulations, he or she may serve a notice in writing on that person stating that—

- (a) the person is alleged to have committed the offence or contravention,
- (b) the person may, during the period of 28 days from the date of the notice, make to the Minister a payment of €250 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1)—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the Minister may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the defendant.

Offences

21. (1) A person who—

- (a) contravenes Regulation 4(1), 4(12), 5, 6, 7, 8, 10, 15, 16 or 17,
- (b) contravenes a condition of an approval granted under these Regulations, or
- (c) aids or abets a contravention of these Regulations,

commits an offence and is liable, on summary conviction, to a fine not exceeding €5,000 or to a term of imprisonment not exceeding six months, or to both.

(2) The Minister may prosecute an offence under these Regulations.

(3) If an offence under these Regulations is committed by a body corporate and it is proved to have been so committed with the consent or connivance of

or to be attributable to any neglect on the part of any person who, when the offence is committed, is a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(4) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with functions of management as if the member is a director or manager of the body corporate.

Revocations and savers

22. (1) The following are revoked—

- (a) the European Communities (Trade in Bovine Breeding Animals, their Semen, Ova and Embryos) Regulations 1996 (S.I. No.112 of 1996),
- (b) the European Communities (Trade in Bovine Breeding Animals, their Semen, Ova and Embryos) (Amendment) Regulations 1996 (S.I. No.233 of 1996),
- (c) the European Communities (Trade in Bovine Breeding Animals, their Semen, Ova and Embryos) (Amendment) Regulations 2004 (S.I. No. 499 of 2004), and
- (d) the European Communities (Trade in Bovine Breeding Animals, their Semen, Ova and Embryos) (Amendment) Regulations 2007 (S.I. No. 413 of 2007).

(2) A person who, immediately before the making of these Regulations, is lawfully operating under and in accordance with an approval granted under the Regulations revoked by paragraph (1) is considered to be approved in relation to that activity as if approved under the equivalent provision of these Regulations and the approval may be dealt with as if granted under these Regulations.

SCHEDULE A

CONDITIONS APPLYING TO THE PUBLICATION OF GENETIC EVALUATIONS RESULT

Part I

A person offering bovine semen for sale or supply, must ensure that the semen comes from bulls which have been performance tested and genetically evaluated by bodies approved under and in accordance with Commission Decision No. 2006/427/EC of 20 June 2006. Furthermore, information on compulsory traits listed below shall be provided to the purchaser. The reliability figures for such data shall be published as well as the source and date of evaluation for all information used.

- a. For dairy breeds provision of information on the following traits shall be compulsory:
 - (i) Milk Yield
 - (ii) Milk Quality
 1. Kilograms and Percentage of Milk, Fat and Protein
 2. Somatic Cell Count
 - (iii) Fertility and Longevity
 - (iv) Maternal and Direct Calving Difficulty
 - (v) Linear Type

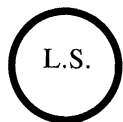
- b. For beef breeds provision of information on the following traits shall be compulsory:
 - (i) Maternal Weaning Weight
 - (ii) Gestation Length
 - (iii) Maternal and Direct Calving Difficulty
 - (iv) Fertility and Longevity
 - (v) Carcass Weight
 - (vi) Carcass Conformation
 - (vii) Linear Type

- c. For dual-purpose breeds, the publication of information on dairy and beef traits as outlined above shall be compulsory.

This Part does not apply to a breed threatened with extinction or semen being used for the purposes of performance testing and genetic evaluation.

Part II

- (a) The publication of information on genetic peculiarities and genetic defects shall be provided on all semen.
- (b) The words “Test Bull” must appear in all advertisements/publications for bulls that have not completed the tests outlined in Part I.
- (c) The Minister shall determine the minimum reliability figure(s) required for a bull to be considered to have completed the tests referred to in Part I.



GIVEN under my Official Seal,
26 January 2009

BRENDAN SMITH
Minister for Agriculture, Fisheries and Food

EXPLANATORY NOTE

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

These Regulations implement into National law European regulations governing trade in bovine breeding animals, semen, ova and embryos.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834/37 or 1890 213434; Fax: 01 - 6476843 or 094 - 9378964)
or through any bookseller.

€6.60

