

Statutory Document No. 2023/0195



Animal Health Act 1996

AFRICAN SWINE FEVER (IMPORTATION CONTROLS) ORDER 2023¹

Approved by Tynwald: 18 October 2023

Coming into Operation in accordance with article 2

The Department of Environment, Food and Agriculture makes the following Order under section 8 of the Animal Health Act 1996.

1 Title

This Order is the African Swine Fever (Importation Controls) Order 2023.

2 Commencement

This Order comes into operation on the day after it is made¹.

3 Interpretation

In this Order —

“**animal by-products**” means entire bodies or parts of animals, products of animal origin or other products obtained from animals, which are not intended for human consumption, excluding germinal products;

“**category of animal by-products**” means the appropriate category as set out in Articles 8 to 10 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption, as it has effect in EU law²;

“**derived products**” means products obtained from one or more treatments, transformations or steps in the processing of animal by-products;

¹ Section 54 of the Animal Health Act 1996 specifies that this Order shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which this Order is laid or at the next following sitting fails to approve it, this Order shall cease to have effect.

² O.J. No. L 300, 14.11.2009, p.1, as last amended by Regulation (EU) 2019/1009 of the European Parliament and of the Council (O.J. No. L 170, 25.06.2019, p. 1).

“**health mark**” has the meaning given in Article 3(51) of the Regulation (EU) No 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, as it has effect in EU law³;

“**identification mark**” means a mark applied in accordance with Article 5 of, and Section 1 of Annex 2 to, Regulation 853/2004, as it has effect in EU law;

“**pig**” means any animal of the *Suidae* family;

“**porcine product**” means any of the following, consisting, in whole or in part, of a body of a pig, or derived from a pig —

- (a) products of animal origin;
- (b) animal by-products;
- (c) derived products;

“**products of animal origin**” has the meaning given in point 8.1 of Annex 1 to Regulation 853/2004;

“**Regulation 853/2004**” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁴;

“**territory subject to special transitional import arrangements**” means —

- (a) an EEA state;
- (b) the Faroe Islands;
- (c) Greenland;
- (d) Switzerland.

4 Requirements for imports of porcine products

- (1) Subject to article 5, no person may import a porcine product into the Island from a territory subject to special transitional import arrangements unless the product complies with the relevant requirements of this article.
- (2) If the porcine product is a product of animal origin intended for human consumption, it must bear a health mark or an identification mark.
- (3) If the porcine product is an animal by-product or derived product, it must —
 - (a) be packaged in accordance with Article 23(1) of Regulation (EC) No 767/2009 of the European Parliament and of the Council on the

³ O.J. No. L 95, 7.4.2017, p. 1, as last amended by Regulation (EU) 2021/1756 of the European Parliament and of the Council (O.J. No. L 357, 8.10.2021, p. 27).

⁴ O.J. No. L 139, 30.4.2004, p. 55, as last amended by Regulation (EU) 2023/166 of the European Parliament and of the Council (O.J. No. L 24, 26.1.2023, p. 1).

- placing on the market and use of feed, as it has effect in EU law⁵, and include on the package the name and address of the feed business operator responsible for its labelling under Article 12(2) of that Regulation; or
- (b) have a label attached to the packaging, container or vehicle, describing the product and stating to which category of animal by-products it belongs.
- (4) The requirements in this article are in addition to any other requirements that apply in relation to the import of porcine products.

5 Exclusions from requirements for porcine products

- (1) The requirements in article 4 do not apply where —
- (a) the porcine product falls within any of the exemptions to the application of Commission Delegated Regulation (EU) 2019/2124⁶ supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union contained in Article 1A(2) and (3) of that Regulation, as it forms part of the law in England⁷; or
- (b) the conditions in paragraph (2) are met.
- (2) The conditions are that —
- (a) the porcine product is intended only for personal consumption or use; and
- (b) the combined weight of porcine products imported at any given time does not exceed 2 kg.

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⁵ O.J. No. L 229, 1.9.2009, p. 1, as last amended by Commission Regulation (EU) 2018/1903 (O.J. No. L. 310, 6.12.2018, p. 22).

⁶ O.J. No. L 321, 12.12.2019, p. 73, as last amended by Commission Regulation (EU) 2021/2305 (O.J. No. L. 461, 27.12.2021, p. 5).

⁷ EUR 2019/2124, as amended by S.I. 2020/1631.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.