

## **Pigmeat Recall Scheme Trader Notice No. 05/2009**

### **INTERIM PAYMENT IN RESPECT OF OVERSEAS PRODUCT FOR WHICH RESPONSIBILITY RESTS WITH IRISH PRIMARY PROCESSORS OF PIGMEAT ARISING FROM THE PIGMEAT RECALL SCHEME**

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#### **Insurance Documentation**

With regard to insurance recoveries the Pigmeat Recall Scheme (which you have recently executed) stipulates that:

"Compensation paid to an applicant is to be net of any insurance recovered by that applicant, or any other financial recovery made by the applicant by any means. The applicant must take all reasonable steps to recover any insurance payments that are possible under any insurance policy held by it, relevant to the operation of the scheme, which leads to a recovery of monies and reduction in the claims on the State including any indemnity enjoyed by an applicant in respect of such product under a usual contract of insurance (including recovery by litigation and/or arbitration, where a commercial law senior counsel to be appointed by agreement between the applicant and the Minister or in default of agreement within 14 days by the President for the time being of the Law Society of Ireland provides an opinion that there is on the balance of probability, a reasonable chance of success in pursuing payment on foot of any insurance policy held by the applicant) and must as a condition of this scheme use its best endeavours to make such insurance recovery. An applicant shall furnish to the Minister all insurance documentation held by it in this regard, on request being made by the Minister. The Department reserves the right to verify all aspects relating to claims, including a review of insurance cover, before all claims are reconciled and subsequent payments are made. Full co-operation in this matter is a condition of this scheme."

#### **Structured Plan for the Disposal of Overseas Product**

Trader Notice 04/2009 requires:

"The supply by the processor of a structured and costed plan for the immediate disposal (or return to Ireland for disposal) of the product concerned in destination countries."

All processors intending to submit claims or who have already submitted claims in respect of overseas product are requested to furnish all insurance documentation relevant to their claims under the Scheme and to provide a structured and costed disposal plan.

**Interim payments under the Scheme may only be effected upon receipt of both foregoing items of documentation.**

Further information is available from the Pigmeat Recall Unit at:

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**23 February 2009**