

## **Pigmeat Recall Scheme Trader Notice No. 03/2009**

### **Clarification of certain procedures and conditions relating to applications for assistance under the Pigmeat Recall Scheme**

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Please note the following procedures, which apply to applicants for assistance under the Pigmeat Recall Scheme.

#### **1. Participation in the Scheme**

To participate in the Pigmeat Recall Scheme (the Scheme) and be considered for payments of ex-gratia assistance from the Department, primary or secondary processors of pigmeat (processors) shall formally execute the Scheme document. In that regard, a letter setting out the procedure for making an application has issued to all processors who have expressed an interest in participating in the Scheme.

#### **2. Eligibility for Assistance**

As stated in the Scheme document, the Pigmeat Recall Scheme is open to applications from primary or secondary processors of pigmeat incorporated in Ireland only. Exporters and secondary processors in destination countries who may have purchased or received product subject to the recall are not eligible for assistance under the Scheme. It is a matter for applicants under the Scheme to include within their claims to the Department quantities of eligible product for which they may have received claims from their customers in Ireland or elsewhere, and where appropriate processors shall recompense exporters and/or secondary processors in other countries out of any ex-gratia assistance received from the Department by them in respect of those product quantities. Customers in other countries making claims directly to the Department will be referred to their suppliers in Ireland. The Department shall have no liability for the failure of processors to make payments from ex gratia assistance received by them to exporters and/or secondary processors in other countries.

#### **3. Eligibility of Product**

Product eligible for assistance under the scheme is:

- Product manufactured from animals slaughtered in Ireland on dates between 1<sup>st</sup> September and 6<sup>th</sup> December, 2008 that had left the control of primary and secondary processors and was in free circulation on 6<sup>th</sup> December, 2008 and which was returned to the processor or his agent, receipted for and verified to the satisfaction of the Department or sent direct by retailers for destruction, with verification documents being provided to the primary and/or secondary processors and supplied to the Department;

- Product manufactured from animals slaughtered in Ireland on dates between 1<sup>st</sup> September and 6<sup>th</sup> December 2008 that remains under the control of primary and secondary processors, which cannot be segregated to the satisfaction of the Department (i.e. that cannot be shown conclusively to be uncontaminated). Assistance will be subject to verification by the Department. Payment of ex gratia assistance in these circumstances shall be subject to verification and acceptance by the Department;
- Product manufactured from animals slaughtered in Ireland on dates between 1<sup>st</sup> September and 6<sup>th</sup> December, 2008 that remain under the control of primary and secondary processors that, due to the expiry of sell by dates could not enter free circulation. Assistance will be subject to verification by the Department;
- Where the Minister is satisfied that every effort has been made to find markets for other product affected by the recall, and these efforts have failed, the Minister will consider claims in this regard on a case-by-case basis.

Products containing 20% or less of content from animals slaughtered in Ireland on dates between 1<sup>st</sup> September and 6<sup>th</sup> December 2008 are regarded as safe for consumption and are therefore ineligible for any payments.

#### **4. Product Valuation**

A further Trader Notice shall issue shortly setting out the methodology that will be applied by the Department for product valuation.

#### **5. Destruction in Destination Countries**

Processors and/or their agents shall be responsible for and shall arrange the necessary procedures and logistics for destruction of product by rendering/incineration or other method, which is held or stored in destination market countries. The processors and/or their agents shall liaise with and comply with all requirements of the relevant competent authority in destination market countries. The cost of destruction (and transport to an authorised destruction location in a destination market country) should be included in claims for assistance. Please note that the costs of destruction will be subject to a limit not exceeding the local verified cost of this destruction service or the cost of similar services in Ireland, whichever is the lesser. All such claims must be accompanied by a final certificate detailing the actual volumes by category rendered, such certificate to be signed by the relevant competent authority or an accredited independent monitoring company acceptable to the Minister such as SGS or SAI Global (EFSIS).

An estimate of the verification costs from the independent monitoring company (where utilised in the absence of competent authority verification) must be provided in advance. The Department will discharge the agreed costs of the monitoring company directly. In that regard, directions on the monitoring procedures required will be given by the Department to the company.

#### **6. Other Costs**

Claims in respect of other itemised and verified costs (extra costs) arising from the recall shall also be considered. Please note, however, that the total facility available to meet all costs of the scheme cannot exceed the agreed budgetary limit for the scheme and the categories of costs for which payment will be made, in addition to the upper limit of payment in any individual case will be decided at the discretion of the Minister, after the initial

schedule of claims is received in full by the Minister and the Scheme closed to further applications for payment of ex gratia assistance. Such extra costs shall also be subject to the terms of any applicable EU State Aid approval.

## **7. Insurance**

It is a condition of participation in the scheme that any compensation paid to an applicant is to be net of any insurance recovered or recoverable by that applicant, or any other financial recovery made by the applicant by any means. Companies participating in the Scheme are required to take all reasonable steps to recover any insurance payments that are possible under any insurance policy held by them no matter where that policy is held or operable. In that regard, companies submitting claims for interim payments and/or final claims must supply copies of relevant insurance policy documents in order to facilitate an assessment by the Department of the potential for financial recovery other than from the State.

Further information is available from the Pigeat Recall Scheme unit at (053) 9163405 or by email at [pigeat.recall@agriculture.gov.ie](mailto:pigeat.recall@agriculture.gov.ie)

**29 January 2009**