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**Order No 1385 of 29/11/2023 (in force)**

## **Order on authorisation of grazing on contaminated areas with special nature preservation considerations**

File number: Ministry of Food, Agriculture and Fisheries,

Danish Veterinary and Food Administration, Ref. No  
2023-29-31-00541

Ministry: Ministry of Food, Agriculture and Fisheries

# Order authorising the grazing on contaminated areas with special nature preservation considerations;

Pursuant to Sections 5(3), 59a(1) and 60(3) and (4) of the Food Act, cf. Consolidation Act No 1033 of 5 July 2023, the following is laid down pursuant to Section 7(1)(3) of Order No 1721 of 30 November 2020 on the tasks and powers of the Danish Veterinary and Food Administration:

## *Scope*

**§ 1** The Ordinance shall apply to food-producing animals, which with permission and with imposed restriction against use as food, can graze areas with special nature conservation considerations, which are contaminated to such an extent that this may otherwise pose a risk to food safety.

*Paragraph 2.* This Order lays down the conditions for obtaining authorisation, cf. paragraph 1, and the conditions for subsequently having the restriction on use as food imposed on the animal lifted.

## *Definitions*

**§ 2** For the purposes of this Order, the following definitions shall apply:

- 1) CHR: Central Livestock Register.
- 2) CHR number: A unique registration number a company is assigned in the CHR.
- 3) Identification code of the animal: As defined in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019.
- 4) Food producing animals: As defined in Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009.
- 5) Field block: As defined in the Order on applications etc. for certain schemes for farmers in Type yourself.
- 6) Marketing: As defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002.
- 7) Operator: As defined in Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016.
- 8) Designated laboratory: Laboratory designated in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 to carry out analyses on samples taken for the purpose of official controls and other official activities.
- 9) Unique code: As defined in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019.

## *Authorisation*

**§ 3** An operator may be authorised to use a food-producing animal for grazing a contaminated area for specific nature conservation purposes where:

- 1) contamination has been detected in this area, which means that grazing with food-producing animals may pose a risk to food safety but not a risk to the health and welfare of the animal; and
- 2) the area or parts of it is
  - a) protected under the Executive Order on the Designation and Administration of International Nature conservation Areas and the Protection of Certain Species;
  - b) protected under Section 3 of the Nature Conservation Act, or
  - c) covered by commitments under the Ordinance on grants for the care of grassland and natural areas.

*Paragraph 2.* A food-producing animal, which must be included in a permit to graze a contaminated area, see. paragraph 1, will be imposed a restriction on use as food.

*Paragraph 3.* Offspring of a food-producing dam, which is subject to a restriction on use as food, see. paragraph 2, will similarly be subject to a restriction on use as food.

*Paragraph 4.* A food-producing animal subject to a restriction referred to in paragraphs 2 and 3 shall not be slaughtered.

*Paragraph 5.* Products of animal origin from a food-producing animal subject to a restriction referred to

in paragraph 2 and 3 shall not be placed on the market as food.

*Paragraph 6.* The operator shall inform the Danish Veterinary and Food Administration before placing on the market sheep subject to a restriction referred to in paragraphs 2 and 3 for living use, including the purchaser's herd number and the relevant animals' identification numbers.

**§ 4.** In order to be allowed to use a food-producing animal for grazing a contaminated area, see. section 3, paragraph 1, the operator shall submit a request to the Danish Veterinary and Food Administration.

*Paragraph 2.* The request must be sent digitally to the Danish Veterinary and Food Administration no later than 30 calendar days before the animal is to be used for grazing. A request shall not be deemed to have been submitted until all relevant information has been received by the Danish Veterinary and Food Administration.

*Paragraph 3.* The request shall include information on:

- 1) the identification code or unique code of the animal;
- 2) the CHR number and herd number of the area;
- 3) the field block number of the area, and
- 4) evidence that Section 3(1) has been complied with.

*Paragraph 4.* A food-producing animal may not be used for grazing a contaminated area until the operator has received the permission from the Danish Veterinary and Food Administration.

#### *Lifting of restriction*

**§ 5** A restriction on the use of a food-producing animal as food, see. section 3, paragraphs 2 and 3, may be lifted when it is documented by a blood test that the animal does not pose a risk to food safety, see however para. 2.

*Paragraph 2.* Restrictions on the use of a group of animals as food may be lifted when, during the same period, they have grazed the same contaminated area and it has been demonstrated by a representative sample of blood samples that the animals do not pose a risk to food safety.

*Paragraph 3.* A blood sample referred to in paragraphs 1 and 2 shall be taken by an approved veterinarian, and the analysis of the sample shall be carried out by a laboratory designated by the Danish Veterinary and Food Administration.

**§ 6** In order to have a restriction on the use of a food-producing animal as food lifted, cf. Section 5(1) and (2), the operator shall submit a request about this to the Danish Veterinary and Food Administration.

*Paragraph 2.* The request must be sent digitally to the Danish Veterinary and Food Administration no later than 14 calendar days before the animal is to be used as food. A request shall not be deemed to have been submitted until all relevant information has been received by the Danish Veterinary and Food Administration.

*Paragraph 3.* The request shall include information on:

- 1) the CHR number of the operator;
- 2) the identification code or unique code of the animal; and
- 3) analytical result from a blood test, cf. Section 5(1) and (2).

#### *Penalty clause*

**§ 7** A fine shall be imposed on anyone who fails to comply with Section 3(4), (5) and (6).

*Paragraph 2.* Companies and legal persons may be held criminally liable in accordance with the provisions of Chapter 5 of the Criminal Code.

*Entry into force*

§ 8 This Order shall enter into force on 1 January 2024.

*DVFA, 29 November 2023*

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