

TRADER NOTICE 18/2009

PIGMEAT RECALL

1. The Heads of Agreement entered into by the Department of Agriculture Fisheries and Food (the Department) and the pig-processing sector in December 2008 (the Agreement) included a provision whereby the Department could at its sole discretion provide additional emergency funding (ex gratia aid) in respect of pigmeat product other than the eligible product.
2. The pig processing sector means for the purposes of this Trader Notice, primary and secondary processors. In this respect the Department will consider providing ex gratia aid to an individual processor where it regards it as justifiable in all the circumstances and where it is satisfied that some clear legal liability exists on the part of a processor in respect of value added product. All payments made under the agreement are strictly subject to State Aid approval.
3. 'Value added product' is defined as processed pigmeat products, food preparations or composite products that have incorporated affected Irish pigmeat or processed pigmeat. This would include, for example, pies, pizzas and meatballs. This is value added product containing pigmeat (processed or otherwise) that in its own right would be regarded as eligible under the Pigmeat Recall Scheme.
4. Claims will be considered only from primary and secondary processors. In line with the Agreement of December 2008, a claimant should demonstrate a clear legal liability for the value added product involved, the degree to which ex gratia aid payments already made may have mitigated such losses, the efforts made to minimise any such losses, the insurance cover in place for such value added product, if any, and any agreements - formal or otherwise - on the treatment of losses. A claim should be supported by all relevant documentary evidence. Any application that includes associated costs relating to the recall of product other than costs relating to transport, rendering/destruction, demurrage, storage, verification/certification and in certain cases non refundable import duties and product testing will not be considered. These are the only associated costs approved under the State Aid Decision.

5. Under the State Aid Approval, **the latest date for receipt of claims by the Department from processors is 5. 00pm on Thursday 31st December 2009.** No claims made after this date will be considered for the payment of aid in respect of value added product product.
6. Claims should indicate the contact person in the company concerned and his/her contact details. **Claims should be sent to Pigmear Recall (Value Added Product), Meat Policy Division, 4 Centre Department of Agriculture Fisheries and Food, Agriculture House, Kildare Street Dublin 2. Any enquiries can be made to Brendan O'Connor (01 6072325), Alma Flack (01 6072581), or Riona Murray (01 607 2468)**
7. The issue of this Trader Notice does not constitute an admission of any liability whatsoever on the part of the Department in respect of any losses, damage, or injury whatsoever or howsoever incurred by a claimant, or arising as a result of the pig dioxin crisis in December 2008.
8. The issue of this Trader Notice shall not give rise to, or create any expectation whatsoever on the part of an applicant that a claim for ex gratia aid will result in the payment of ex gratia aid in full, or in part by the Department. Processors are reminded that payment of ex gratia aid is entirely discretionary on the part of the Minister and the Department.
9. This Trader Notice is subject to and governed by the terms of the Agreement of the 10th December 2008 made between the Department and the processors and any applicable State Aid approval issued by the EU Commission in respect of state aid.

**Pigmear Recall (Value Added Product),
Meat Policy Division,
4 Centre Agriculture House,
Kildare Street,
Dublin 2.**

1 December 2009