



STATUTORY INSTRUMENTS.

**S.I. No. 164 of 2012**



EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)  
(AMENDMENT) REGULATIONS 2012

**(Prn. A12/0827)**

EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)  
(AMENDMENT) REGULATIONS 2012

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Directive No. 2002/32 of the European Parliament and of the Council of 7 May 2002<sup>1</sup> (as amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009<sup>2</sup> and Commission Regulation (EU) No. 574/2011 of 16 June 2011<sup>3</sup>), Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002<sup>4</sup> (as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council of 22 July 2003<sup>5</sup>, Commission Regulation (EC) No. 575/2006 of 7 April 2006<sup>6</sup>, Commission Regulation (EC) No. 202/2008 of 4 March 2008<sup>7</sup>, Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009<sup>8</sup> and Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011<sup>9</sup>), Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004<sup>10</sup> (as amended by Commission Regulation (EC) No. 1019/2008 of 17 October 2008<sup>11</sup> and Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009<sup>12</sup>), Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004<sup>13</sup> (as amended by Commission Regulation (EC) No. 2074/2005 of 5 December 2005<sup>14</sup>, Commission Regulation (EC) No. 1662/2006 of 6 November 2006<sup>15</sup>, Council Regulation (EC) No. 1791/2006 of 20 November 2006<sup>16</sup>, Commission Regulation (EC) No. 1243/2007 of 24 October 2007<sup>17</sup>, Commission Regulation (EC) No. 1020/2008 of 17 October 2008<sup>18</sup>, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009<sup>19</sup>, Commission Regulation (EC) No. 1161/2009 of 30 November 2009<sup>20</sup>, Commission Regulation (EU) No. 558/2010

<sup>1</sup>O.J. No. L 140, 30.5.2002, p.10

<sup>2</sup>O.J. No. L 87, 31.3.2009, p.109

<sup>3</sup>O.J. No. L 159, 17.6.2011, p.7

<sup>4</sup>O.J. No. L 31, 1.2.2002, p.1

<sup>5</sup>O.J. No. L 245, 29.9.2003, p.4

<sup>6</sup>O.J. No. L 100, 8.4.2006, p.3

<sup>7</sup>O.J. No. L 60, 5.3.2008, p.17

<sup>8</sup>O.J. No. L 188, 18.7.2009, p.14

<sup>9</sup>O.J. No. L 242, 20.9.2011, p.2

<sup>10</sup>O.J. No. L 139, 30.4.2004, p.1

<sup>11</sup>O.J. No. L 277, 18.10.2008, p.7

<sup>12</sup>O.J. No. L 87, 31.3.2009, p.109

<sup>13</sup>O.J. No. L 139, 30.4.2004, p.55

<sup>14</sup>O.J. No. L 338, 22.12.2005, p.27

<sup>15</sup>O.J. No. L 320, 18.11.2006, p.1

<sup>16</sup>O.J. No. L 363, 20.12.2006, p.1

<sup>17</sup>O.J. No. L 281, 25.10.2007, p.8

<sup>18</sup>O.J. No. L 277, 18.10.2008, p.8

<sup>19</sup>O.J. No. L 87, 31.3.2009, p.109

<sup>20</sup>O.J. No. L 314, 1.12.2009, p.8

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 25th May, 2012.*

of 24 June 2010<sup>21</sup>, Commission Regulation (EU) No. 150/2011 of 18 February 2011<sup>22</sup>, Commission Regulation (EU) No. 1276/2011 of 8 December 2011<sup>23</sup> and Commission Regulation (EU) No. 16/2012 of 11 January 2012<sup>24</sup>, Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004<sup>25</sup> (as amended by Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004<sup>26</sup>, Commission Regulation (EC) No. 2074/2005 of 5 December 2005<sup>27</sup>, Commission Regulation (EC) No. 1663/2006 of 6 November 2006<sup>28</sup>, Council Regulation (EC) No. 1791/2006 of 20 November 2006<sup>29</sup>, Commission Regulation (EC) No. 1021/2008 of 17 October 2008<sup>30</sup>, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009<sup>31</sup>, Commission Regulation (EU) No. 505/2010 of 14 June 2010<sup>32</sup>, Commission Regulation (EU) No. 151/2011 of 18 February 2011<sup>33</sup> and Commission Implementing Regulation (EU) No. 739/2011 of 27 July 2011<sup>34</sup>, Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004<sup>35</sup> (as amended by Council Regulation (EC) No. 301/2008 of 17 March 2008<sup>36</sup>, Commission Regulation (EC) No. 1029/2008 of 20 October 2008<sup>37</sup>, Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009<sup>38</sup>, Commission Regulation (EU) No. 208/2011 of 2 March 2011<sup>39</sup> and Commission Regulation (EU) No. 880/2011 of 2 September 2011<sup>40</sup>, Regulation (EC) No. 183/2005 of the European Parliament and of the Council of 12 January 2005<sup>41</sup> (as amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009)<sup>42</sup>, Commission Regulation (EC) No. 2073/2005 of 15 November 2005<sup>43</sup> (as amended by Commission Regulation (EC) No. 1441/2007 of 5 December 2007<sup>44</sup>, Commission Regulation (EU) No. 365/2010 of 28 April 2010<sup>45</sup> and Commission Regulation (EU) No. 1086/2011 of 27 October 2011)<sup>46</sup>, Commission Regulation (EC) No. 2074/2005 of 5 December 2005<sup>47</sup> (as amended by Commission Regulation (EC) No. 1664/2006 of 6

<sup>21</sup>O.J. No. L 159, 25.6.2010, p.18

<sup>22</sup>O.J. No. L 46, 19.2.2011, p.14

<sup>23</sup>O.J. No. L 327, 9.12.2011, p.39

<sup>24</sup>O.J. No. L 8, 12.1.2012, p.29

<sup>25</sup>O.J. No. L 139, 30.4.2004, p.206

<sup>26</sup>O.J. No. L 191, 28.5.2004, p.1

<sup>27</sup>O.J. No. L 338, 22.12.2005, p.27

<sup>28</sup>O.J. No. L 320, 18.11.2006, p.11

<sup>29</sup>O.J. No. L 363, 20.12.2006, p.1

<sup>30</sup>O.J. No. L 277, 18.10.2008, p.15

<sup>31</sup>O.J. No. L 87, 31.3.2009, p.109

<sup>32</sup>O.J. No. L 149, 15.6.2010, p.1

<sup>33</sup>O.J. No. L 46, 19.2.2011, p.17

<sup>34</sup>O.J. No. L 196, 28.7.2011, p.3

<sup>35</sup>O.J. No. L 191, 28.5.2004, p.1

<sup>36</sup>O.J. No. L 97, 9.4.2008, p.85

<sup>37</sup>O.J. No. L 278, 21.10.2008, p.6

<sup>38</sup>O.J. No. L 188, 18.7.2009, p.14

<sup>39</sup>O.J. No. L 58, 3.3.2011, p.29

<sup>40</sup>O.J. No. L 228, 3.9.2011, p.8

<sup>41</sup>O.J. No. L 35, 8.2.2005, p.1

<sup>42</sup>O.J. No. L 87, 31.3.2009, p.109

<sup>43</sup>O.J. No. L 338, 22.12.2005, p.1

<sup>44</sup>O.J. No. L 322, 7.12.2007, p.12

<sup>45</sup>O.J. No. L 107, 29.4.2010, p.9

<sup>46</sup>O.J. No. L 281, 28.10.2011, p.7

<sup>47</sup>O.J. No. L 338, 22.12.2005, p.27

November 2006<sup>48</sup>, Commission Regulation (EC) No. 1244/2007 of 24 October 2007<sup>49</sup>, Commission Regulation (EC) No. 1022/2007 of 31 August 2007<sup>50</sup>, Commission Regulation (EC) No. 1250/2008 of 12 December 2008<sup>51</sup> and Commission Regulation (EU) No. 15/2011 of 10 January 2011<sup>52</sup>; Commission Regulation (EC) No. 2075/2005 of 5 December 2005<sup>53</sup>, (as amended by Commission Regulation (EC) No. 1665/2006 of 6 November 2006<sup>54</sup>, Commission Regulation (EC) No. 1245/2007 of 24 October 2007<sup>55</sup> and Commission Implementing Regulation (EU) No. 1109/2011 of 3 November 2011)<sup>56</sup> hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2012.

2. The European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009) is amended by substituting—

(a) in Regulation 2(1) the definition of—

(i) “Regulation 178/2002” for the following—

“‘Regulation 178/2002’ means Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council of 22 July 2003, Commission Regulation (EC) No. 575/2006 of 7 April 2006, Commission Regulation (EC) No. 202/2008 of 4 March 2008, Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009, and Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011;”,

(ii) “Regulation No. 852/2004” for the following—

“‘Regulation 852/2004’ means Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 as amended by Commission Regulation (EC) No. 1019/2008 of 17 October 2008 and Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009;”,

(iii) “Regulation No. 853/2004” for the following—

“‘Regulation No. 853/2004’ means Regulation (EC) No. 853/2004 of the European Parliament and of the Council of

<sup>48</sup>O.J. No. L 320, 18.11.2006, p.13

<sup>49</sup>O.J. No. L 281, 25.10.2007, p.12

<sup>50</sup>O.J. No. L 230, 1.9.2007, p.6

<sup>51</sup>O.J. No. L 337, 16.12.2008, p.31

<sup>52</sup>O.J. No. L 6, 11.1.2011, p.3

<sup>53</sup>O.J. No. L 338, 22.12.2005, p.60

<sup>54</sup>O.J. No. L 320, 18.11.2006, p.46

<sup>55</sup>O.J. No. L 281, 25.10.2007, p.19

<sup>56</sup>O.J. No. L 287, 4.11.2011, p.23

29 April 2004 as amended by Commission Regulation (EC) No. 2074/2005 of 5 December 2005, Commission Regulation (EC) No. 1662/2006 of 6 November 2006, Council Regulation (EC) No. 1791/2006 of 20 November 2006, Commission Regulation (EC) No. 1243/2007 of 24 October 2007, Commission Regulation (EC) No. 1020/2008 of 17 October 2008, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009, Commission Regulation (EC) No. 1161/2009 of 30 November 2009, Commission Regulation (EU) No. 558/2010 of 24 June 2010, Commission Regulation (EU) No. 150/2011 of 18 February 2011, Commission Regulation (EU) No. 1276/2011 of 8 December 2011 and Commission Regulation (EU) No. 16/2012 of 11 January 2012;”

(iv) “Regulation No. 854/2004” for the following—

“Regulation No. 854/2004’ means Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004 as amended by Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004, Commission Regulation (EC) No. 2074/2005 of 5 December 2005, Commission Regulation (EC) No. 1663/2006 of 6 November 2006, Council Regulation (EC) No. 1791/2006 of 20 November 2006, Commission Regulation (EC) No. 1021/2008 of 17 October 2008, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009, Commission Regulation (EU) No. 505/2010 of 14 June 2010, Commission Regulation (EU) No. 151/2011 of 18 February 2011 and Commission Implementing Regulation (EU) No. 739/2011 of 27 July 2011;”.

(v) “Regulation No. 882/2004” for the following—

“Regulation No. 882/2004 means Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004 as amended by Council Regulation (EC) No. 301/2008 of 17 March 2008, Commission Regulation (EC) No. 1029/2008 of 20 October 2008, Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009, Commission Regulation (EU) No. 208/2011 of 2 March 2011 and Commission Regulation (EU) No. 880/2011 of 2 September 2011;”, and

(vi) “Regulation No. 183/2005” for the following—

“Regulation No. 183/2005’ means Regulation (EC) No. 183/2005 of the European Parliament and of the Council of 12 January 2005 as amended by Regulation (EC) No.

219/2009 of the European Parliament and of the Council of 11 March 2009;”.

(b) Regulation 30 for the following—

“30. (1) A person who commits an offence under these Regulation is liable-

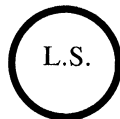
- (a) on summary conviction, to a Class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or
- (b) on conviction on indictment to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 3 years, or to both.

(2) An offence under these Regulations may be prosecuted in a summary manner by a registering authority or by the Food Safety Authority of Ireland.

(3) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits offence and is liable to be proceeded against and punished as if he or she was guilty of the offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

(5) In proceedings alleging a contravention of these Regulations, it is a defence for the defendant to show he or she acted in accordance with a derogation or transitional measure laid down by an act of an institution of the European Communities relevant to the subject of the offence it is alleged that he or she committed.



GIVEN under my Official Seal,  
16 May 2012.

SIMON COVENEY,  
Minister for Agriculture, Food and the Marine.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation).*

These Regulations confirm that a registering authority, including the Minister for Agriculture, Food and the Marine or the Food Safety Authority of Ireland may prosecute certain offences relating to food and feed hygiene in the District Courts. They also update references to relevant European Regulations.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
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