

STATUTORY INSTRUMENTS

S.I. No. 387 of 2006.

EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE) (AMENDMENT) REGULATIONS 2006.

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S.I. No. 387 of 2006

European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006

I, Mary Coughlan, Minister for Agriculture and Food, 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 Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002¹, Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004¹, Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004², Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004³, Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004⁴, Regulation (EC) No. 183/2005 of the European Parliament and of the Council of 12 January 2005⁵, Commission Regulation (EC) No. 2073/2005 of 15 November 2005⁶, Commission Regulation (EC) No. 2074/2005 of 5 December 2005⁶, Commission Regulation (EC) No. 2075/2005 of 5 December 2005⁷ and Commission Regulation (EC) No. 2076/2005 of 5 December 2005⁸, hereby make the following Regulations-

Citation

1. These Regulations may be cited as the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006.

Amendments

2. The European Communities (Food and Feed Hygiene) Regulations 2005 (S.I. No. 910 of 2005) are amended by-

(a) in Regulation 2(1)-

- (i) the substitution, for subparagraphs (c)(ix) and (c)(x) in the definition of “authorised officer”, of -

¹ O.J. No. L 31 of 1.2.2002, p. 1

¹ O.J. No. L 226 of 25.6.2004, p.3.

² O.J. No. L 226 of 25.6.2004, p. 22.

³ O.J. No. L 226 of 25.6.2004, p. 83.

⁴ O.J. No. L 191 of 28.5.2004, p.1.

⁵ O.J. No. L 35 of 8.2.2005, p.1.

⁶ O.J. No. L 338 of 22.12.2005, p. 1.

⁶ O.J. No. L 338 of 22. 12. 2005, p. 27.

⁷ O.J. No. L 338 of 22.12.2005, p. 60.

⁸ O.J. No. L 338 of 22.12.2005, p. 83.

“(ix) the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999),

(x) the European Communities (Animal Nutrition Inspections) Regulations 2003 (S.I. No. 238 of 2003),

(xi) the European Communities (Labelling and Marketing Standards for Poultrymeat) Regulations 2004 (S.I. No. 42 of 2004), or

(xii) the European Communities (Marketing Standards for Eggs) Regulations 2005 (S.I. No. 172 of 2005).”

(ii) the insertion, in the definition of “registering authority” after “Regulation 3(2)”, of “or the Health Service Executive”,

(iii) the insertion, after definition of “registering authority”, of-

““Regulation No. 178/2002’ means Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002;”,

(iv) the substitution, for the definition of “Regulation No. 853/2004”, of-

““Regulation No. 853/2004’ means Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 (and, in so far as is required by Article 2 thereof, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 and Regulation No. 852/2004) as amended by Commission Regulation (EC) No. 2074/2005 and Commission Regulation (EC) No. 2076/2005;”,

- (v) the substitution, for the definition of “Regulation No. 854/2004”, of-

“‘Regulation No. 854/2004’ means Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004 (and, in so far as is required by Article 2(2) thereof, Regulation No. 1774/ 2002 of the European Parliament and of the Council of 3 October 2002, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002, Regulation No. 852/2004 and Regulation 853/2004) as amended by Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004) as amended by Commission Regulation (EC) No. 2074/2005 and Commission Regulation (EC) No. 2076/2005;”

- (b) in Regulation 2(2), the insertion before “Regulation No. 852/2004” in both places where it occurs, of “Regulation No. 178/2002”,
- (c) the substitution, in Regulation 3(2)(e) for “require,” of “require, or”,
- (d) the substitution, for Regulation 3(2)(c)(viii) and (ix), of-
- “(viii) the European Communities (Fresh Meat) Regulations 1997 (S.I. No. 434 of 1997), or
- (ix) the European Communities (Approval and Registration of Establishments and Intermediaries in the Animal Feed Sector) Regulations 1999 (S.I. No. 88 of 1999),
- (e) the substitution, in Regulation 3(2)(e) and Regulation 4(2)(c) for “abattoir is situate may require,” of “premises is situate may require.”,
- (f) the substitution, in Regulation 3(12)(c), for “paragraph (2)(a)”, of “paragraph (2)(c)”,
- (g) the insertion, after Regulation 4(2)(a), of-

- “(aa) a food business to which Regulation No. 853/2004 applies and in respect of which, immediately before the making of these Regulations, the Health Service Executive exercised statutory functions, shall be in a form and contain any information that the Health Services Executive may require,”
- (h) the insertion, after Regulation 8(3), of-
- “(3A) The Chief Executive of the Health Service Executive may, by instrument in writing, appoint such and so many officers of the Executive to be authorised officers for the purposes of some or all of these Regulations, in relation to a class of food business to which Regulation No. 853/2004 applies and in respect of which the class of person to which the officer belongs exercised statutory functions prior to the making of these Regulations, as may be specified in the instrument.”
- (i) the insertion, in Regulation 8(4), after “Local Government” of “, the Chief Executive of the Health Service Executive”,
- (j) the substitution, in Regulation 9(1)(c) for “feed” in the third place where it occurs, of “food”,
- (k) the deletion, in Regulation 9(1)(v) in the first place where it occurs, of “contain,”,
- (l) the insertion, in Regulation 10(1)(b), after “food,” of “or”,
- (n) the insertion, in Regulation 11(1)(a) after “preamble to these Regulations” in both places where it occurs, of “, Regulation No. 178/2002”,
- (o) in Regulation 11(6), the insertion before “Regulation No. 852/2004”, of “Regulation No. 178/2002,”,
- (p) the insertion, in Regulation 11(8) before “Regulation No. 852/2004”, of “Regulation No. 178/2002,” and the substitution for “Minister” of “appropriate registering authority”,
- (q) the substitution, for Regulation 14(1)(d), of-
- “(d) the performance by the authority of a function under Regulation No. 178/2002, Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 882/2004,

Regulation No. 183/2005, Commission Regulation (EC) No. 2073/2005, Commission Regulation (EC) No. 2074/2005, Commission Regulation (EC) No. 2075/2005 and Commission Regulation (EC) No. 2076/2005 or under these Regulations.”,

- (r) the substitution, in Regulation 14(5), for “1878” of “1879”,
- (s) the substitution, in Regulation 17(c), for “Regulation 4 or approval under Regulation 5” of “Regulation 3 or approval under Regulation 4”,
- (t) the insertion, after Regulation 17, of-

“Notice of import of feed

17A.(1) A person shall not bring an animal feed into the State unless he or she has given notice to the Minister, in a form approved by the Minister, at least 5 working days before the animal feed is brought into the State, of -

- (a) the nature and quantity of animal feed,
- (b) the place where it is intended to bring the animal feed into the State,
- (c) the date and time that the animal feed is to be brought into the State,

and the animal feed is brought into the State in accordance with the notice

(2) A person who gives notice under paragraph (1) shall advise the Minister of any change of circumstances relating to the importation or proposed importation of the animal feed to which the notice relates within 24 hours of becoming aware of the change and at least 24 hours before the product enters the State.”,

- (u) the insertion, in Regulation 18(1) after subparagraph (l), of-

“(la) contravenes Article 11, 12, 14(1), 15(1), 16, 17(1), 18(2), (3), (4), 19 or 20 of Regulation No. 178/2002,

- (lb) contravenes Article 3, 4, 5, 6, 7 or 9 of Commission Regulation (EC) No. 2073/2005,
- (lc) contravenes a requirement referred to in Article 1 of Commission Regulation (EC) No. 2074/2005,
- (ld) contravenes Articles 2, 4, 9 or 13 of Commission Regulation (EC) No. 2075/2005,
- (le) contravenes the second paragraph of Article 4 of Commission Regulation (EC) No. 2076/2005, "
- (v) the substitution for "or 17", in Regulation 18(1)(n), of " , 17 or 17A",
- (w) the insertion, after Regulation 18(4), of-
 - “(5) In proceedings alleging a contravention of an enactment cited in paragraph (1), 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.” ,
- (x) the insertion, in Regulation 19(4) after “food business” of “(other than a food business to which Regulation 4(2)(aa) applies)” in the first place where it occurs, and
- (y) the insertion, after Regulation 19(5) of –
 - “(6) A reference in any enactment to –
 - (a) a statutory instrument revoked by paragraph (1) or Regulation 3 of the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006,
 - (b) the Act repealed by paragraph (2), or
 - (c) a provision of a statutory instrument referred to in subparagraph (a) or the Act referred to in subparagraph (b),

is construed and has effect as if the reference is a reference to these Regulations or corresponding provision of these Regulations.”

3. The following are revoked –

- (a) European Communities (Fresh Poultrymeat) Regulations 1997 (S.I. No. 125 of 1997),
- (b) European Communities (Examination of Pigmeat for Trichenaes upon Import from Third Countries) Regulations 2001 (S.I. No. 464 of 2001),
- (c) European Communities (Meat Products and Other Products of Animal Origin) (Amendment) (No. 2) Regulations 2002 (S.I. No. 484 of 2002),
- (d) European Communities (Fresh Meat and Poultry) (Checks on General Hygiene) Regulations 2003 (S.I. No. 81 of 2003),
- (e) European Communities (Fresh Meat) (Amendment) Regulations 2004 (S.I. No. 874 of 2004),
- (f) European Communities (Meat Products and Other Products of Animal Origin) (Amendment) Regulations 2004 (S.I. No. 875 of 2004), and
- (g) European Communities (Minced Meat and Meat Preparations) (Amendment) Regulations 2004 (S.I. No. 876 of 2004).

GIVEN under my Official Seal,
July 2006

Mary Coughlan
Minister for Agriculture and
Food

EXPLANATORY NOTE

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

These Regulations amend S.I. 910 of 2005 on Food and Feed Hygiene to give legal effect to Regulation 178/2002 (general principles and requirements of food law), to Commission Regulations (EC) No. 2073/2005, 2074/2005, 2075/2005 and 2076/2005. They form part of the overall food and feed safety legislation and cover animal feed, microbiological criteria, specific implementing measures for certain products, controls for *Trichinella* in food of animal origin and transitional arrangements for the introduction of aspects of food and feed hygiene legislation.

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