



STATUTORY INSTRUMENTS.

S.I. No. 488 of 2010



EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)
(AMENDMENT) (No. 2) REGULATIONS 2010

(Prn. A10/1480)

EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)
(AMENDMENT) (No. 2) REGULATIONS 2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries 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 full effect to Regulation (EC) 767/2009 of the European Parliament and of the Council of 1 Sept 2009¹ and Commission Directive 2010/6/EU of 9 February 2010², hereby make the following Regulations:

1. These regulations may be cited as the European Communities (Food and Feed Hygiene) (Amendment) (No. 2) Regulations 2010.

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

(a) in Regulation 2(1) by the insertion after the definition of “authorised officer”, of—

“Feed Regulation” means Regulation (EC) 767/2009 of the European Parliament and of the Council of 13 July 2009;”,

(b) by the insertion, after Regulation 2(2), of—

“(2A) A word or expression that is used in these Regulations and is also used in the Feed Regulation has, in these Regulations, the same meaning as in the Feed Regulation.”,

(c) in Regulation 6(8), by substitution for the definition of “Directive” (inserted by the European Communities (Food and Feed Hygiene) (Amendment) Regulation 2010 (S.I. No. 312 of 2010)) the following—

“ ‘Directive’ means Directive No. 2002/32/EC of the European Parliament and of the Council of 7 May 2002 as amended by Commission Directive 2003/57/EC of 17 June 2003, Commission Directive No. 2003/100/EC of 31 October 2003, Commission Directive No. 2005/8/EC of 27 January 2005, Commission Directive No. 2005/86/EC of 5 December 2005, Commission Directive No. 2005/87/EC of 5 December 2005, Commission Directive No. 2006/13/EC of 3 February 2006, Commission Directive No. 2006/77/EC of 29 September 2006, Commission Directive No. 2008/76/EC of 25 July 2008, Commission Directive No. 2009/8/EC of 10

¹O.J. L 229, 1.9.2009, p. 1

²O.J. L37, 10.2.2010, p.29

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 15th October, 2010.*

February 2009, Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009, Commission Directive 2009/124/EC of 25 September 2009, Commission Directive 2009/141/EC of 23 November 2009 and Commission Directive No. 2010/6/EC of 9 February 2010;”,

(d) by the substitution, in Regulation 27A (inserted by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2010 (S.I. No. 312 of 2010)), of “Tivoli and Ringaskiddy in the port of Cork” for “Cork”, and

(e) by the insertion, after Regulation 27A (inserted by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2010 (S.I. No. 312 of 2010)), of—

“27B. (1) A person who by act or omission—

- (a) places feed on the market or uses feed other than in accordance with the safety and marketing requirements in Article 4,
- (b) being a feed business operator fails to comply with the obligations referred to in Article 5(1) or (2),
- (c) places on the market feed that consists of or contains a material the use of which for animal nutrition purposes is restricted or prohibited in contravention of Article 6(1),
- (d) has in his or her possession, uses or places on the market feed or a complementary feed that contains a feed additive in excess of the quantities specified in Article 8,
- (e) places on the market or uses feed intended for particular nutritional purposes in contravention of Article 9,
- (f) places on the market feed that is labelled or presented other than as provided in Article 11 or Annex II,
- (g) being the person responsible for labelling, shall ensure that the labelling does not contravene Article 12 or 13(3),
- (h) causes or permits claims to be made on the labelling in contravention of Article 13(1) or (2),
- (i) presents labelling particulars other than as provided for in Article 14,
- (j) places a feed material on the market without the label showing the indications specified in Article 15 and 16,
- (k) places a compound feed on the market without the label showing the indications specified in Article 15 and 17,

- (l) places feed intended for particular nutritional purposes on the market without the label showing the indications specified in Article 15, 16, 17 and 18,
- (m) places pet food on the market unless labelled in accordance with Article 15, 16, 17, 18 and 19,
- (n) has in his or her possession or under his or her control, in contravention of Article 20, feed which does not comply with Annex VIII labelled in accordance with that Annex,
- (o) places a feed material or compound feed on the market with voluntary labelling which does not comply with Article 22,
- (p) places a feed material or compound feed on the market other than in a package that complies with Article 23,
- (q) fails to notify a feed material that is not listed in the Community Catalogue as required by Article 24(6), or
- (r) otherwise contravenes a provision (mentioned in this Regulation),

of the Feed Regulation commits an offence.”.

3. The following are revoked-

- (a) the European Communities (Putting into Circulation of Feed Materials) Regulations, 1999 (S.I. No. 390 of 1999),
- (b) the European Communities (Putting into Circulation of Feed Materials) (Amendment) Regulations, 2000 (S.I. No. 170 of 2001),
- (c) the European Communities (Marketing of Compound Feedingstuffs) Regulations 1999 (S.I. No. 435 of 1999),
- (d) the European Communities (Marketing of Compound Feedingstuffs) (Amendment) Regulations 2000 (S.I. No. 148 of 2000),
- (e) the European Communities (Marketing of Compound Feedingstuffs) (Amendment) Regulations, 2001 (S.I. No. 171 of 2001),
- (f) the European Communities (Marketing of Compound Feedingstuffs) (Amendment) Regulations 2003 (S.I. No. 237 of 2003),
- (g) the European Communities (Marketing of Compound Feedingstuffs) (Amendment) Regulations 2007 (S.I. No. 630 of 2007),
- (h) the European Communities (Protein Feedingstuffs) Regulations, 2004 (S.I. No. 711 of 2004),

- (i) the European Communities (Protein Feedingstuffs) (Amendment) Regulations, 2005 (S.I. No. 244 of 2005),
- (j) the European Communities (Feedingstuffs Intended for Particular Nutritional Purposes)(Amendment) Regulations, 1999 (S.I. No. 365 of 1999),
- (k) the European Communities (Feedingstuffs Intended for Particular Nutritional Purposes) (Amendment) Regulations, 2000 (S.I. No. 187 of 2000), and
- (l) the European Communities (Feedingstuffs Intended for Particular Nutritional Purposes) Regulations 2008 (S.I. No. 389 of 2008).



GIVEN under my Official Seal,
5 October 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

These Regulations give effect to the provisions of Regulation (EC) No 767/2009 of the European Parliament and the Council, which updates and replaces existing legislation on the marketing and use of feed and amendments to Annex 1 of Directive 2002/32/EC of the European Parliament and the Council, as regards mercury, free gossypol, nitrites and *Mowrah, Bassia, Madhuca*.

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