STATUTORY RULES OF NORTHERN IRELAND

2013 No. 122

FOOD

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*1st May 2013*
Coming into operation -	*31st May 2013*

The Department of Agriculture and Rural Development (**a**) and the Department of Health, Social Services and Public Safety (**b**), are Departments designated (**c**) for the purposes of section 2(2) of the European Communities Act 1972 (**d**) in relation to the common agricultural policy of the European Community and in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

Acting jointly(**e**), the Department of Agriculture and Rural Development and the Department of Health, Social Services and Public Safety make the following Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 and Articles 15(1)(a),(b) and (f), 15(3), 16(1) and (2), 25(1) and 47(2) of, and paragraph 7 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**f**).

The aforementioned Departments have consulted in accordance with Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**g**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development and the Department of Health, Social Services and Public Safety that it is expedient for any reference in these Regulations to the Annexes to Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists(**h**), to Council Directive 96/23/EC on measures to monitor certain

(**a**) Formerly the Department of Agriculture for Northern Ireland: see S.I. 1999/283 (N.I.1), Article 3(4).
(**b**) Formerly the Department of Health and Social Services: see S.I. 1999/283 (N.I.1), Article 3(6).
(**c**) S.I. 1972/1811 and S.I. 1999/2027.
(**d**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**e**) S.R. 2000 No.78: see regulation 13(1)(d)(i) which allows the Department of Agriculture and Rural Development to join with the Department of Health, Social Services and Public Safety in making Regulations under the Food Safety (Northern Ireland) Order 1991 in relation to residues of veterinary products in food or food sources.
(**f**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1633 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28, S.R. 2004 No. 482, S.R. 2004 No. 505, S.I.2006/3336 (N.I. 21) and 2009 c. 1 (N.I.).
(**g**) O.J. No. L31, 1.2.2002, p.1.
(**h**) O.J. No. L125, 23.5.1996, p. 3, as last amended by Directive 2008/97/EC (O.J. No. L318, 28.11.2008, p. 9).

substances and residues thereof in live animals and animal products(**a**) and to Commission Regulation (EU) No. 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin(**b**) to be construed as a reference to those Annexes as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 31 May 2013.

(2) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998

2.—(1) The Animals and Animal Products (Examination for Residues and Maximum Residues Limits) Regulations (Northern Ireland) 1998**(d)** are amended in accordance with paragraphs (2) to (12).

(2) In regulation 2(1)—

(a) the definition of "Annex IV substance" shall be deleted;

(b) in the definition of "Council Directive 96/22", for the word "replacing" substitute the word "repealing";

(c) the definition of "the Council Regulation" shall be deleted;

(d) in the definition of "maximum residue limit" for "Annex I or Annex III to the Council Regulation in the tissues or body fluids of an animal or in an animal product, the limit specified in the fourth column", substitute "Table 1 in the tissues or body fluids of an animal or in an animal product, the limit (if any) specified in the fourth column";

(e) after the definition of "reference analysis certificate" insert—

""Regulation 470/2009" means Regulation (EC) No.470/2009 of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No. 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No. 726/2004 of the European Parliament and of the Council **(e)**;

"Regulation 37/2010" means Commission Regulation (EU) No. 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin **(f)**;";

(f) after the definition of "sale" insert—

""Table 1" means Table 1 of the Annex to Regulation 37/2010, and "Table 1 substance" means a substance specified in the first column of Table 1;

"Table 2 substance" means a substance specified in Table 2 of the Annex to Regulation 37/2010;";

(g) in the definition of "unauthorised substance"(**a**) for "an Annex IV substance", substitute " a Table 2 substance"; and

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(**a**) O.J. No. L215, 23.5.1996, p. 10, as last amended by Regulation (EC) 596/2009 (O.J. No. L188, 18.7.2009, p. 14).
(**b**) O.J. No. L15, 20.1.2010, p. 1, as last amended by Commission Implementing Regulation (EU) No. 222/2012 (O.J. No. L75, 15.3.2012, p. 10).
(**c**) 1954 c.33 (NI).
(**d**) S.R. 1998 No. 237 as amended by S.R. 2005 No. 451, S.R. 2006 No. 263 and S.R. 2009 No. 298.
(**e**) O.J. No. L152, 16.6.2009, p. 11.
(**f**) O.J. No. L15, 20.1.2010, p. 1.

(h) in the definition of "unlicensed substance" for "Annex IV substance", substitute "Table 2 substance".

(3) For regulation 2 (2) substitute—

"(2) For the purpose of ascertaining whether the maximum residue limit has been exceeded for the purposes of these Regulations –

(a) the presence of the drug or drug metabolite (or combination thereof) specified in the second column (marker residue) of Table 1 opposite the corresponding entry in the first column (pharmacologically active substance) of that Table shall be taken to indicate the presence of that substance in that part of an animal or batch of animals, or in any animal product derived from that part of an animal or batch of animals, specified in the corresponding entry in the fifth column (target tissues) of that table; and;

(b) the maximum residue limit (if any) specified in the fourth column of that Table in the entry corresponding to that substance shall apply in respect of the presence in such part of an animal or batch of animals, or in any animal product derived from such part of an animal or batch of animals, of any such drug or drug metabolite (or combination thereof) as if it were that substance."

(4) In regulation 2(3) for "the Council Regulation" substitute "Regulation 470/2009"

(5) For regulation 2 (3A)(**b**) substitute the following regulation—

"(3A) Any reference in these Regulations to an Annex to Council Directive 96/22, Council Directive 96/23 or Regulation 37/2010 is a reference to that Annex as amended from time to time."

(6) For regulation 7 substitute—

"**Prohibition of administration of Table 2 substances**

7. It is an offence to contravene Article 14(6) of Regulation 470/2009 (prohibition on administration of substances to food producing animals in certain circumstances)."

(7) For regulation 9(1)(e)(**c**) substitute—

"(e) which contains a Table 1 substance at a concentration exceeding the maximum residue limit; or"

(8) In regulation 15(1), for the words "the analyst shall" to the words "the relevant person", substitute:

"the analyst shall record that information in a primary analysis certificate and provide a copy of that certificate to an authorised officer who shall give this copy to the relevant person."

(9) For regulation 16(2), substitute:

"(2) The analyst shall record the results of the reference analysis in a reference analysis certificate and provide a copy of that certificate to an authorised officer who shall then give this copy to the relevant person."

(10) In regulation 20(1)(a)(**d**) for "a substance listed in Annex I or Annex III to the Council Regulation" substitute "a Table 1 substance".

(11) For regulation 22 (3), substitute —

"(3) Where the examination shows that the animal or batch of animals contains a prohibited substance, an unlicensed substance or a Table 2 substance, the notice shall so declare, shall specify the result of the examination and shall require the owner of the animal

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(**a**) The definition of "unauthorised substance" was substituted by S.R. 2006 No. 263.
(**b**) Regulation 2(3A) was inserted by S.R. 2006 No. 263 as amended by S.R. 2009 No. 298.
(**c**) Regulation 9 was substituted by S.R. 2006 No. 263.
(**d**) Regulation 20 was substituted by S.R. 2006 No. 263.

or batch of animals to slaughter the animal or batch of animals, or cause it or them to be slaughtered, within such a period and in accordance with such requirements as may be specified in the notice.".

(12) In regulation 34(6) for "Articles 5 and 14 to the Council Regulation" substitute "Articles 14(6) and 16 of Regulation 470/2009".

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 1st May 2013.

(L.S.)

Colette McMaster
A senior officer of the Department of Agriculture and Rural Development

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 1st May 2013.

(L.S.)

Julie Thompson
A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 237) ("the principal Regulations") that provided for the enforcement of Council Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ No. L 224, 18.8.1990, p.1).

That Regulation has now been replaced, and these Regulations make supplementary provision to provide for the enforcement of its successor Regulation (EC) No. 470/2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin (O.J. No. L 152, 16.6.2009, p. 11).

In addition, these Regulations provide for the enforcement of Commission Regulation (EU) No.37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ No. L 15, 20.1.2010, p.1).

Regulations 2 (2) to (12) amend the principal Regulations so that the references to EU legislation are up to date.

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