

S. I. No. 290 of 2003

**European Communities (Hygienic Production and Placing on the Market
of Raw Milk, Heat-Treated Milk and Milk-Based Products)
(Amendment) Regulations 2003**

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European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk-Based Products)(Amendment) Regulations 2003

I, Joe Walsh, 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), and for the purposes of giving further effect to Council Directive No. 92/46/EEC of 16 June 1992¹ as amended by Council Directive No. 94/71/EEC of 31 December 1994², Council Directive No. 92/47/EEC of 16 June 1992³, Commission Directive No. 89/362/EEC of 26 May 1989⁴ and Commission Decision No. 94/330/EC of 25 May 1994⁵ hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk-Based Products)(Amendment) Regulations 2003 and come into effect on the 9 July 2003.

2. In these Regulations the "Regulations of 1996" means the European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk-Based Products) Regulations 1996 (S.I. No. 9 of 1996).

3. The Regulations of 1996 are amended by substituting:

(a) for Regulation 8(1), the following:-

"8. (1)(a) Every registered holding shall be subject to -

(i) regular checks by the person who acquires the milk for the preparation of heat-treated drinking milk or for processing into milk based products, and

(ii) inspections by an authorised officer

to determine whether the requirements and code of hygiene referred to in Regulation 7(1)(a) are being met.

(b) Persons who acquire milk for the preparation of heat-treated drinking milk or for the processing into milk based products shall notify the Minister without delay where he or she, following a check completed under subparagraph (a), is of the opinion that the requirements and code of hygiene referred to in Regulation 7(1)(a) are not being met and the reasons for such an opinion.

¹ O.J. No. L 268 of 14.9.1992, p.1

² O.J. No. L 368 31.12.1994, p.33

³ O.J. No. .L 268 14.9 1992, p.33

⁴ O.J. No. L 156 8.6. 1989, p.30

⁵ O.J. No. L146, 11.6.2003, p23

(c) Where, as a result of a check or an inspection under subparagraph (a), the Minister is not satisfied that the requirements and code referred to in Regulation 7(1)(a) are being met, the Minister shall serve on the proprietor or the person in charge of the holding a written notice in accordance with paragraph (2) of the shortcomings found and, except in circumstances to which paragraph (4) applies, allow the proprietor or person in charge the period of time specified in the notice in which to rectify the shortcomings.

(d) Persons who acquire milk for the preparation of heat-treated drinking milk or for the processing into milk based products shall maintain documentary evidence of regular checks completed under subparagraph (a) at the establishment which purchases or takes delivery of the milk as appropriate save where the Minister has given written permission to do otherwise."

(b) for Regulation 20(1)(c), the following:-

"(c) it is produced, transported and stored on a registered holding in accordance with the hygiene requirements set out in Chapters II and III of Annex A;" and

(c) in Regulation 41, "€3,000" for "£1,500".

GIVEN under my Official Seal
This 9th day of July 2003

Joe Walsh

Joe Walsh
Minister for Agriculture and Food

EXPLANATORY NOTE

This Note is not part of the Statutory Instrument and does not purport to be a legal interpretation thereof.

These Regulations provide that persons who purchase milk for processing for human consumption must conduct regular inspections of the holdings on which the milk is produced to ensure that they conform to the prescribed hygiene standards. They further provide that production holdings must meet the prescribed structural standards.

They also increase the level of the maximum fine that may be imposed for breaches of the Regulations to €3,000.