

STATUTORY INSTRUMENTS

S.I. NO.135 OF 2002

European Communities (Import Of Peanuts and Certain Products Derived from Peanuts Originating in or Consigned from China) (Amendment) Regulations, 2002

I, Michael Martin, Minister for Health and Children in exercise of the powers conferred on me by Section 3 of the European Communities Act, 1972 (No. 27 of 1972), having regard to Council Directive 93/43/EEC¹ of 14 June 1993 on the hygiene of foodstuffs, and Commission Regulation 194/97² of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs, as last amended by Regulation 1566/1999³ setting maximum levels for contaminants in foodstuffs and in particular aflatoxins in foodstuffs, and for the purposes of giving full effect to Commission Decision of 4 February 2002 laying down special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China (2002/79/EC⁴), as amended by Commission Decision of 20 March 2002 (2002/233/EC⁵) hereby make the following Regulations:-

⁵ OJ L 78, 21.3.2002, p. 14

⁴ OJ L 34, 5.2.2002, p. 21

³ OJ L 184, 17.7.1999, p. 17

² OJ L 31, 1.2.1997, p. 48

¹ OJ L 175, 19.7.1993, p. 1

1. These Regulations may be cited as the European Communities (Import of Peanuts and Certain Products Derived from Peanuts Originating in or Consigned from China) (Amendment) Regulations, 2002.

2. In these Regulations, "the Principal Regulations" means the European Communities (Import of Peanuts and Certain Products Derived from Peanuts Originating in or Consigned from China) Regulations, 2002 (S.I. No. 81 of 2002).

3. The Principal Regulations are hereby amended by :

After Regulation 3(3), the insertion of the following new Regulation :

"3(4) By derogation from regulation 3(1) a person may import consignments of products falling within the categories referred to in regulation 3(1), originating in or consigned from China (intended for human consumption or to be used as an ingredient in foodstuffs) which are not accompanied by the results of official sampling and analysis or by a health certificate, and which left China before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC⁶ (S.I. No. 401 of 2001) that these consignments comply

with the provisions of Commission Regulation (EC) No. 194/97 (S.I. No. 400 of 2001) as regards maximum permitted levels for aflatoxin B1 and total aflatoxin".

⁶ OJ L 201, 17.7.1998, p. 93

GIVEN under the Official Seal of the Minister for Health and Children

this 11th day of April, 2002.

(L.S.)

Michael Martin, T.D.

Minister for Health and Children

Explanatory Note

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

These Regulations give effect to Commission Decision 2002/233/EC of 20 March 2002 amending Commission Decision 2002/79/EC of 4 February 2002 laying down special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China.

These Regulations amend the European Communities (Import of Peanuts and Certain Products Derived from Peanuts Originating in or Consigned from China) Regulations, 2002 (S.I. No. 81 of 2002) to allow for the importation under certain conditions of certain consignments of peanuts and certain products derived from peanuts originating in or consigned from China.