



STATUTORY INSTRUMENTS.

S.I. No. 56 of 2007



EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)
(AMENDMENT) REGULATIONS 2007

(Prn. A7/0200)

EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)
(AMENDMENT) REGULATIONS 2007

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 Commission Regulation No. 2073/2005 of 5 December 2005¹, Commission Regulation (EC) No. 1662/2006 of 6 November 2006², Commission Regulation (EC) No. 1663/2006 of 6 November 2006³, Commission Regulation (EC) No. 1665/2006 of 6 November 2006⁴ and Commission Decision No. 2006/765/EC of 6 November 2006⁵, hereby make the following regulations—

1. These Regulations may be cited as the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2007.

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

(a) in Regulation 2(1), by the substitution for—

(i) the definition of “Regulation No. 853/2004” (inserted by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006 (S. I. No. 387 of 2006)) 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, Commission Regulation (EC) No. 2076/2005 and Commission Regulation (EC) No. 1662/2006 and Commission Regulation (EC) No. 1666/2006;”

(ii) the definition of “Regulation No. 854/2004” (inserted by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006 (S. I. No. 387 of 2006)) 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,

¹O.J. No. L 338 of 22.12.2005, p. 1.

²O.J. No. L 320 of 18.11.2006, p. 1.

³O.J. No. L 320 of 18.11.2006, p. 11.

⁴O.J. No. L 320 of 18.11.2006, p. 46.

⁵O.J. No. L 320 of 18.11.2006, p. 47.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th February, 2007.*

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 Commission Regulation (EC) No. 2076/2005, Commission Regulation (EC) No. 1663/2006 and Commission Regulation (EC) No. 1666/2006;”,

- (b) by the insertion, after Regulation 17A (inserted by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006 (S. I. No. 387 of 2006)), of—

“17B. (1) A person shall not purport to exercise the derogation provided in Article 8 of Commission Regulation No. 2073/2005 of 5 December 2005 save under and in accordance with the written consent of a registering authority.

(2) An application for a consent under paragraph (1) shall be in a form and contain the information that the registering authority may require.

(3) A registering authority may issue a consent in respect of an establishment, attach conditions to a consent, vary a condition, suspend or revoke a consent or refuse an application.

(4) A registering authority shall not consider an application unless the application contains all the material and particulars sought by the registering authority.

(5) A person to whom a consent is issued shall make such returns to the registering authority as the authority may require.

(6) Without prejudice to the generality of paragraph (3), a registering authority may refuse an application or suspend or revoke a registration if the authority is satisfied that—

- (a) an act of the institutions of the European Community cited in the preamble to these Regulations or these Regulations have not, are not or will not be, complied with,
- (b) the applicant or holder of a consent has committed an offence, whether he or she has been convicted or not, relating to food, feed, animal or public health or welfare or the environment,
- (c) the applicant or holder of a consent has failed to comply with a condition of a consent,

- (d) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) the premises to which the application or consent relates is not a fit and proper premises for a consent,
- (f) the applicant or consent holder is not a fit and proper person to hold a consent,
- (g) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966), or
- (h) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (including an act cited in the preamble to these Regulations) to have full effect.

(7) Other than in the case of paragraph (6)(g) or (h), if a registering authority proposes to refuse an application or suspend or revoke a consent, the authority shall—

- (a) notify the applicant or holder of the consent of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the authority within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or holder of a consent of the decision and the reasons for the decision.

(8) If a registering authority is of the opinion that—

- (a) it is necessary for the protection of human health, animal health or welfare or the environment including the prevention, control or eradication of a disease (within the meaning of the Diseases of Animals Act 1966 (No. 6 of 1966)), or
- (b) it is necessary, ancillary or supplementary for an act of the institutions of the European Community (included an act cited in the preamble to these Regulations) to have full effect,

the authority may refuse an application or suspend or revoke a consent in accordance with paragraph (9).

(9) If a registering authority refuses an application or suspends or revokes a consent in accordance with this paragraph, the authority shall—

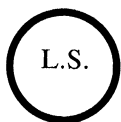
- (a) notify the applicant or holder of the consent of the decision and the reasons for the decision, and that he or she may make representations in relation to the decision to the registering authority within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or registered person of the decision and the reasons for the decision.”.

(c) by the substitution,

- (i) for Regulation 18 (1)(*ld*) (as amended by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006 (S. I. No. 387 of 2006)), of—

“(*ld*) contravenes Articles 2, 4, 9 or 13 of Commission Regulation (EC) No. 2075/2005 as amended by Commission Regulation (EC) No. 1665/2006,” and

- (ii) in Regulation 18(1)(*n*) (as amended by the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2006 (S. I. No. 387 of 2006)) for “17 or 17A”, of “17, 17A or 17B”.



GIVEN under my Official Seal,
8 February 2007

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 the European Communities (Food and Feed Hygiene) Regulations 2005 to take account of the derogation contained in Article 8 of Commission Regulation (EC) No. 2073/2005 and amendments to various European measures.

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