



Jersey

## EU LEGISLATION (MILK AND DAIRIES) (JERSEY) ORDER 2017

### Arrangement

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## EU LEGISLATION (MILK AND DAIRIES) (JERSEY) ORDER 2017

*Made**12th October 2017**Coming into force**19th October 2017*

**THE MINISTER FOR EXTERNAL RELATIONS**, in pursuance of Article 2(1)(a) of the European Union Legislation (Implementation) (Jersey) Law 2014<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order –

“processing dairy” and “processing dairyman” have the meanings given by the Milk and Dairies (General Provisions) (Jersey) Order 1992<sup>2</sup>;

“relevant EU provision” means any of the provisions listed in the Schedule;

“relevant person or premises” means –

- (a) a processing dairy;
- (b) a processing dairyman;
- (c) a dairy farm or dairy, within the meaning of the Food Safety (Jersey) Law 1966<sup>3</sup>, when either is used to produce milk to supply to a processing dairy; or
- (d) a dairy farmer or dairyman, within the meaning of the Food Safety (Jersey) Law 1966, when either produces milk to supply to a processing dairy.

### **2 Competent authority**

The competent authority, for the purpose of the relevant EU provisions in their application to a relevant person or premises, is the Minister, within the meaning of the Food Safety (Jersey) Law 1966.

### **3 Application of Article 27(3) of the Food Safety (Jersey) Law 1966**

For the purpose of the application of Article 27(3) of the Food Safety (Jersey) Law 1966 in relation to a relevant person or premises, the references in sub-

paragraphs (a)(ii) and (b)(i) of that paragraph to “conditions imposed by” an Order under that Law are, for the avoidance of doubt, to be taken to include conditions and requirements of a relevant EU provision in its application to a relevant person or premises.

#### **4 Offences and penalties**

- (1) A processing dairyman who contravenes a prohibition in or requirement of a relevant EU provision, in its application to that processing dairyman, commits an offence and is liable to imprisonment for a term of 1 year and to a fine.
- (2) Paragraph (3) applies to a person other than a processing dairyman, the competent authority or an agent of the competent authority.
- (3) The person commits an offence, and is liable to a fine of level 3 on the standard scale, if the person contravenes a prohibition in or requirement of a relevant EU provision, in its application to a relevant person or premises.

#### **5 Amendment of Milk and Dairies (General Provisions) (Jersey) Order 1992**

- (1) After Article 1 of the Milk and Dairies (General Provisions) (Jersey) Order 1992<sup>4</sup> there is inserted the following Article –

**“1A**

This Order is subject to the EU Legislation (Milk and Dairies) (Jersey) Order 2017<sup>5</sup>.”

- (2) In Article 33 of the Milk and Dairies (General Provisions) (Jersey) Order 1992, after the words “this Order”, there are inserted the words “, and the contravention or failure does not amount to an offence under Article 4 of the EU Legislation (Milk and Dairies) (Jersey) Order 2017,”.

#### **6 Citation and commencement**

This Order may be cited as the EU Legislation (Milk and Dairies) (Jersey) Order 2017 and comes into force 7 days after it is made.

**SENATOR SIR P.M. BAILHACHE**

*Minister for External Relations*

**SCHEDULE**

(Article 1)

**RELEVANT EU PROVISIONS****1 Regulation (EC) No 178/2002**

In Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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 (OJ L 31, 1.2.2002, p. 1) –

Articles 12, 14, 15, 16, 17, 18 and 19.

**2 Regulation (EC) No 852/2004**

In Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1) –

Articles 3, 4, 5, 6, and 11;

Annexes I and II.

**3 Regulation (EC) No 853/2004**

In Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55) –

Articles 3, 4, 5, and 7;

Section 1 of Annex II and Section IX of Annex III.

**4 Regulation (EC) No 854/2004**

In Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206) –

Articles 4, 8 and 14;

Annexes IV and VI.

**5 Regulation (EC) No 183/2005**

In Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene (OJ L 35, 8.2.2005, p. 1) –

Articles 4(2) and 5(5);

Annex III.

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- 1 *chapter 17.245*
  - 2 *chapter 20.225.88*
  - 3 *chapter 20.225*
  - 4 *chapter 20.225.88*
  - 5 *R&O.106/2017*