STATUTORY RULES OF NORTHERN IRELAND

2019 No. 220

FOOD

The Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*5th December 2019*
Coming into operation	*14th December 2019*

The Department of Health(**1**), being a department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to food (including drink) including the primary production of food makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act.

As required by 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(**4**) there has been open and transparent public consultation during the preparation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019 and come into operation on 14th December 2019.

Amendment of the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007

2. The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007(**5**) are amended as follows.

3. In regulation 2 (Interpretation)—

(a) at paragraph (1)—

(i) for the definitions paragraph—

> ""Directive 2004/41", "Regulation 2406/96", "Regulation 178/2002" "Regulation 852/2004", "Regulation 853/2004", "Regulation 854/2004",

(**1**) Formerly the Department of Health, Social Services and Public Safety; see.2016 c.5 (N.I.), section 1
(**2**) S.I. 2003/2901
(**3**) 1972 c.68
(**4**) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2019/1243 (OJ No. L198, 25.7.2019, p.241)
(**5**) S.R. 2007 No. 497

"Regulation 882/2004", "Regulation 1688/2005", "Regulation 2073/2005", "Regulation 2074/2005" and "Regulation 2015/1375" have the meanings respectively given to them in the Schedule;"

substitute—

""Directive 2004/41", "Regulation 2406/96", "Regulation 852/2004", "Regulation 853/2004", "Regulation 1688/2005", "Regulation 2073/2005", "Regulation 2074/2005", "Regulation 2015/1375", "Regulation 2017/185", "Regulation 2017/625", "Regulation 2019/624" and "Regulation 2019/627" have the meanings respectively given to them in the Schedule;";

(ii) in the definition "first placing on the market", for "Regulation 882/2004" substitute "Regulation 2017/625";

(iii) in the definition "first sale in a fish market", for "Regulation 882/2004" substitute "Regulation 2017/625";

(iv) in the definition "official controls", for "paragraph 1 of Article 2 of Regulation 882/2004" substitute "Article 2(1) of Regulation 2017/625";

(v) in the definition "processing", for "Chapter V of Section B of Annex IV to Regulation 882/2004" substitute "Regulation 2017/625";

(vi) in the definition "third country import" for "is payable under Part 3 of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011" substitute "set out in Annex 4 to Regulation 2017/625 is payable".

(b) after paragraph (2) insert—

"(3) In these Regulations, any reference to an EU instrument defined in the Schedule is a reference to that instrument as amended from time to time.".

4. In regulation 3 (Actual costs)—

(a) for "listed in Annex VI to Regulation 882/2004" substitute "referred to in Articles 81 and 82 of Regulation 2017/625";

(b) for "Annex III to Regulation 854/2004" substitute "Title 6 of and Annex 6 to Regulation 2019/627".

5. In regulation 4 (Sterling equivalents of Euro), in paragraph (3) —

(a) after "in each subsequent year" insert "until the coming into operation of the Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019";

(b) after sub-paragraph (b) insert—

"(c) after the coming into operation of the Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019, the average of the rates published in the C Series of the Official Journal of the European Union for each of the days during the period of charge when the rate is published.".

6. In regulation 9 (Sums remitted from one district council to another), for "Annex III to Regulation 854/2004" substitute "Title 6 of and Annex 6 to Regulation 2019/627".

7. In Part 2 (OFFICIAL CONTROLS CHARGES OTHER THAN CHARGES FOR THIRD COUNTRY IMPORTS), for "Annex III to Regulation 854/2004" substitute "Title 6 of and Annex 6 to Regulation 2019/627" in each place it occurs.

8. For the Schedule (DEFINITIONS OF COMMUNITY LEGISLATION), substitute the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Health on 5th December 2019.

L.S.

Dr Naresh Chada
A senior officer of the Department of Health