STATUTORY RULES OF NORTHERN IRELAND

2019 No. 218

AGRICULTURE
FOOD

The Official Feed and Food Controls (Miscellaneous Amendments) 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 Official Feed and Food Controls (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 and come into operation on 14th December 2019.

Amendment to the Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001

2. The Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001(**5**) are amended as follows.

3. In regulation 7(3) (Penalties and enforcement), for "Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as last amended by

(**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. 2001 No.45 as last amended by S.R 2019 No.5

Commission Regulation (EU) 2018/445", substitute "Regulation (EU) 2017/625 of the European Parliament and of the Council of 15th March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products".

Amendment of the Food Hygiene Regulations (Northern Ireland) 2006

4. The Food Hygiene Regulations (Northern Ireland)2006(**6**) are amended as follows.

5. In regulation 2 (Interpretation)—

(a) in paragraph (1)—

(i) for the definition "the Community Regulations" substitute—

> ""the Community Regulations" means Regulation 852/2004, Regulation 853/2004, Regulation 2073/2005, Regulation 2015/1375, Regulation 2017/185 and Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to food;";

(ii) for the definition that begins "Decision 2006/766" substitute—

> ""Directive 2004/41", "Regulation 178/2002", "Regulation 852/2004", "Regulation 853/2004", "Regulation 1688/2005", "Regulation 2073/2005", "Regulation 2074/2005", "Regulation 931/2011", "Regulation 1169/2011", "Regulation 28/2012", "Regulation 208/2013", "Regulation 210/2013", "Regulation 579/2014", "Regulation 2015/1375", "Regulation 2017/185", "Regulation 2017/625", "Regulation 2018/329", "Regulation 2019/66", "Regulation 2019/530", "Regulation 2019/626", "Regulation 2019/627", "Regulation 2019/628", "Regulation 2019/723", "Regulation 2019/1013", "Regulation 2019/1014", "Regulation 2019/1715", "Regulation 2019/1793", "Regulation 2019/1873", "Regulation 2018/631", "Regulation 2019/478", "Regulation 2019/624", "Regulation 2019/625", "Regulation 2019/1012", "Regulation 2019/1081", "Regulation 2019/1602" and "Regulation 2019/1666" have the meanings respectively given to them in Schedule 1;";

(iii) after the definition "premises" insert—

> ""the Regulation 2017/625 package" means "Regulation 2018/329", "Regulation 2019/66", "Regulation 2019/530", "Regulation 2019/626", "Regulation 2019/627", "Regulation 2019/628", "Regulation 2019/723", "Regulation 2019/1013", "Regulation 2019/1014", "Regulation 2019/1715", "Regulation 2019/1793", "Regulation 2019/1873", "Regulation 2018/631", "Regulation 2019/478", "Regulation 2019/624", "Regulation 2019/625", "Regulation 2019/1012", "Regulation 2019/1081", "Regulation 2019/1602" and "Regulation 2019/1666";";

(b) In paragraph (6) omit "any annex to it may be".

6. In regulation 5 (Enforcement), for paragraph (6) substitute—

"(6) In this regulation—

"cutting plant" means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625;

(**6**) S.R. 2006 No.3 as amended by S.R. 2007 No.16, S.R. 2012 No.130, S.R. 2012 No.280, S.R. 2013 No.66, S.R. 2014 No.223, S.R. 2014 No.277, S.R. 2014 No.286, S.R. 2016 No.345, S.R. 2018 No.77, S.R. 2019 No.5 and S.R. 2019.No 110

"game-handling establishment" means an establishment in which game and game meat obtained after hunting are prepared for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625;

"slaughterhouse" means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which is approved or conditionally approved under Article 148 of Regulation 2017/625.".

7. For Schedule 1 (DEFINITIONS OF COMMUNITY LEGISLATION) substitute the Schedule set out in Schedule 1 to these Regulations.

Amendment of the Official Feed and Food Controls Regulations (Northern Ireland) 2009

8. The Official Feed and Food Controls Regulations (Northern Ireland) 2009(**7**) are amended as follows.

9. In regulation 2 (Interpretation)—

(a) in paragraph (1)—

(i) in the definition "competent authority", for "Regulation 882/2004" substitute "Regulation 2017/625";

(ii) for the definition that begins "Directive 2004/41" substitute—

""Decision 2007/275", "Directive 2004/41", "Regulation 999/2001", "Regulation 178/2002", "Regulation 852/2004", "Regulation 853/2004", "Regulation 1688/2005", "Regulation 2073/2005", "Regulation 2074/2005", "Regulation 2017/185", "Regulation 2017/625", "Regulation 2018/329", "Regulation 2019/66", "Regulation 2019/530", "Regulation 2019/626", "Regulation 2019/627", "Regulation 2019/628", "Regulation 2019/723", "Regulation 2019/1013", "Regulation 2019/1014", "Regulation 2019/1715", "Regulation 2019/1793", "Regulation 2019/1873", "Regulation 2018/631", "Regulation 2019/478", "Regulation 2019/624", "Regulation 2019/625", "Regulation 2019/1012", "Regulation 2019/1081", "Regulation 2019/1602" and "Regulation 2019/1666" have the meanings respectively given to them in Schedule 1";";

(iii) for the definition "the Import Provisions" substitute—

""the Import Provisions" means Part 3 of these Regulations, Title 2 Chapter 5 of Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to product as defined in regulation 21;";

(iv) in the definition of "the Official Control Regulations", for "Regulation 882/2004" substitute "Regulation 2017/625 and the Regulation 2017/625 package";

(v) after the definition "primary production" insert—

""the Regulation 2017/625 package" means "Regulation 2018/329", "Regulation 2019/66", "Regulation 2019/530", "Regulation 2019/626", "Regulation 2019/627", "Regulation 2019/628", "Regulation 2019/723", "Regulation 2019/1013", "Regulation 2019/1014", "Regulation 2019/1715", "Regulation 2019/1793", "Regulation 2019/1873", "Regulation 2018/631", "Regulation 2019/478", "Regulation 2019/624", "Regulation 2019/625", "Regulation 2019/1012", "Regulation 2019/1081", "Regulation 2019/1602" and "Regulation 2019/1666";";

(**7**) S.R. 2009 No.427 as last amended by S.R. 2019 No.5

(b) in paragraph (3), for "Regulation 882/2004 or Regulation 669/2009" substitute "Regulation 2017/625 or any of the EU Regulations in the Regulation 2017/625 package" in both places it occurs.

10. In regulation 3 (Competent authorities)—

(a) in paragraph (1), for "Regulation 882/2004" substitute "Regulation 2017/625";

(b) in paragraph (2), for "Regulation 882/2004" substitute "Regulation 2017/625";

(c) omit paragraph (4);

(d) in paragraph (5), for "Article 31(2) of Regulation 882/2004, the designation shall extend, as regards Article 31(2)(a) to (e)" substitute "Article 148 of Regulation 2017/625, the designation extends".

11. In regulation 4 (Exchanging and providing information)—

(a) in paragraph (1), for "Regulation 882/2004" substitute "Regulation 2017/625";

(b) in paragraph (5), for "Regulation 882/2004" substitute "Regulation 2017/625".

12. In regulation 5 (Obtaining information)—

(a) in paragraph (1)—

(i) for "control body" substitute "delegated body" in each place it occurs;

(ii) for "Regulation 882/2004" substitute "Regulation 2017/625";

(b) in paragraph (4), for "control body" substitute "delegated body" in both places it occurs.

13. In regulation 6 (Power to issue codes of recommended practice)—

(a) in paragraph (1)(a), for "Regulation 882/2004" substitute "Regulation 2017/625";

(b) in paragraph (3), for "Regulation 882/2004" substitute "Regulation 2017/625".

14. In regulation 12 (Right of appeal), in paragraph (1)—

(a) in sub-paragraph (a), for "Article 31(2)(c) of Regulation 882/2004 (approval)" substitute "Article 148(3) of Regulation 2017/625 (approval)";

(b) in sub-paragraph (b), for "Article 31(2)(d) of Regulation 882/2004 (conditional approval and full approval)" substitute "Article 148(4) of Regulation 2017/625" (conditional approval and full approval);

(c) in sub-paragraph (c), for "Article 31(2)(e) of Regulation 882/2004 (withdrawal of approval and suspension of approval)" substitute "Article 138(2)(j) of Regulation 2017/625 (suspension or withdrawal of approval)".

15. In regulation 13 (Staff of competent authority of another member State), for "Article 36 of Regulation 882/2004" substitute "Article 104(3) of Regulation 2017/625".

16. In regulation 14 (Commission experts), in paragraph (1)—

(a) for "to enable those experts" substitute "and a national expert, appointed for the purposes of Article 116(4) of Regulation 2017/625, to accompany and enable the Commission experts";

(b) for "Article 45 of Regulation 882/2004" substitute "Article 116 of Regulation 2017/625".

17. In regulation 16 (Execution and enforcement)—

(a) in paragraph (1), for "control body" substitute "delegated body";

(b) in paragraph (5)(b), after "Commission expert" insert "and, where relevant, a national expert".

18. In regulation 21 (Interpretation of this Part)—

(a) for the definition "product" substitute—

""product" means feed and food whose import is regulated by Article 44 of Regulation 2017/625 and includes those composite products and foodstuffs which are not required to be subject to veterinary checks as provided in Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC;";

(b) in the definition "the relevant territories" for "Regulation 882/2004" substitute "Regulation 2017/625";

(c) for the definition "specified import provision" substitute—

""specified import provision" means any provision of Regulation 2017/625 or the Regulation 2017/625 package that is specified in column 1 of Schedule 6 and whose subject-matter is described in column 2 of that Schedule.".

19. In regulation 22 (Feed enforcement responsibilities and competent authority status)—

(a) in paragraph (2), for "Regulation 669/2009, apart from Article 19" substitute "Regulation 2019/1793";

(b) omit paragraph (3).

20. In regulation 23 (Food enforcement responsibilities and competent authority status)—

(a) in paragraph (2), for "Regulation 669/2009, apart from Article 19" substitute "Regulation 2019/1793";

(b) omit paragraph (4).

21. In regulation 24 (Functions of the Commissioners), for "customs services under Article 24 of Regulation 882/2004 and Article 10 of Regulation 669/2009" substitute "customs authorities under Articles 46, 57, 75 and 76 of Regulation 2017/625 and Article 4 of Regulation 2019/1793".

22. In regulation 26 (Deferred execution and enforcement), in paragraph (6), for "Article 15(5) of Regulation 882/2004" substitute "Article 47(1)(d) and (2)(b) and Article 54(4) of Regulation 2017/625".

23. In regulation 28 (Checks on products), in each place it occurs for "Article 16 of Regulation 882/2004" substitute "Articles 34(5) and (6), 44(2) and 45(1), (2) and (4) of Regulation 2017/625".

24. For regulation 29 (Suspension of designation of points of entry) substitute—

"**Withdrawal and suspension of border control posts**

29.—(1) Where the Agency is satisfied that a border control post has ceased to comply with the requirements referred to in Article 64 of Regulation 2017/625 and Regulation 2019/1014 it may withdraw the designation of the border control post for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect.

(2) Where the Agency is satisfied that the conditions referred to in Article 63(1) of Regulation 2017/625 apply it may suspend the designation of the border control post for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect and if there is a serious risk to human or animal health the suspension may be with immediate effect.

(3) Upon service of a notice under paragraph (2), the border control post will cease to be a designated border control post to the extent specified in that notice until the suspension is removed by service by the Agency on the operator of the border control post of a written notice to that effect.