STATUTORY RULES OF NORTHERN IRELAND

2012 No. 3

AGRICULTURE
FOOD

The Specified Products from China (Restriction on First Placing on the Market) (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*10th January 2012*
Coming into operation	*12th January 2012*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972(**2**).

The Department of Health, Social Services and Public Safety has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Specified Products from China (Restriction on First Placing on the Market) (Amendment) Regulations (Northern Ireland) 2012 and come into operation on 12th January 2012.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008

2.—(1) The Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008(**5**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) —

(**1**) Formerly the Department of Health and Social Services; See S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) 1972 c.68
(**3**) S.I. 2003/2901
(**4**) 1954 c.33 (N.I.)
(**5**) S.R. 2008 No. 171

(i) for the definition of "the Commission Decision" substitute —

""the Commission Decision" means Commission Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC(**6**);",

(ii) omit the definition of "first placing on the market",

(iii) after the definition of "operator" insert —

""placing on the market" has the meaning given to it in Article 3.8 of Regulation 178/2002;", and

(iv) in the definition of "specified product", for "the Annex" substitute "Annex I"; and

(b) insert immediately after paragraph (1) —

"(1A) Any expression used in the Commission Decision and in these Regulations has the same meaning in these Regulations as it bears in the Commission Decision.".

(3) For the heading to and paragraph (1) of regulation 3 (restriction on first placing on the market of specified products), substitute —

"**Restriction on placing on the market of specified products**

3.—(1) The placing on the market of any specified product is prohibited unless —

(a) the conditions specified in Article 4 of the Commission Decision have been complied with in relation to the product; and

(b) where the consignment of the specified product has been split following official control, an authenticated copy of the health certificate and the analytical report accompanies each part of the split consignment.".

(4) Regulation 4 (notification of positive results) is omitted.

(5) For regulation 5(4) (enforcement) substitute —

"(4) The requirements are those specified in —

(a) Article 5 of the Commission Decision (which is concerned with the conditions under which specified products may be placed on the market, the official controls to be carried out and the measures to be taken with regard to non-compliant consignments); and

(b) the first sentence of Article 7 of that Decision (which is concerned with the control of splitting of consignments).".

(6) In regulation 6(b) (application of various provisions of the Food Safety (Northern Ireland) Order 1991), for "first placing on the market" substitute "placing on the market".

(7) Insert immediately after regulation 6—

"**Expenses arising from official controls**

7. Expenses charged by the Department or a district council to an operator pursuant to Article 8 of the Commission Decision shall be payable by the operator on the written demand of the Department or district council.

(**6**) OJ No. L343, 23.12.2011, p.140