STATUTORY RULES OF NORTHERN IRELAND

2008 No. 171

AGRICULTURE
FOOD

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

Made - - - -	*11th April 2008*
Coming into operation	*15th April 2008*

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 purpose 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**).

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 and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 and shall come into operation on 15th April 2008.

Interpretation

2.—(1) In these Regulations—

"the Agency" means the Food Standards Agency;

(**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**) SI 2003/2901
(**4**) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3)

"authorised officer", in relation to the Department or a district council, means any person (whether or not an officer of the Department or a district council) who is authorised by either of them in writing, generally or specially, to act in matters arising under these Regulations;

"the Commission Decision" means Commission Decision 2008/289/EC on emergency measures regarding the unauthorised genetically modified organism "Bt 63" in rice products(**5**) ;

"the Department" means the Department of Agriculture and Rural Development;

"feed" has the meaning given to it in Article 3.4 of Regulation 178/2002;

"food" has the meaning given to it in Article 2 of Regulation 178/2002;

"first placing on the market" has the meaning that it bears in the Commission Decision;

"operator" has the same meaning it bears in the Commission Decision;

"specified product" means any product listed in the Annex to the Commission Decision that originates from or has been consigned from China; and

"Regulation 178/2002" means 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 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council(**6**) and Commission Regulation (EC) No. 575/2006(**7**).

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Restriction on first placing on the market of specified products

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

(a) the conditions specified in paragraphs (1) and (3) and the second and third sentences of paragraph (2) of Article 2 of the Commission Decision are complied with in relation to that product; and

(b) arrangements have been made to ensure compliance with the condition specified in the first sentence of paragraph (2) of Article 2 of that Decision in relation to that product.

(2) A person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

Notification of positive results

4.—(1) An operator who becomes aware of a positive result of a test for the presence of the genetically modified rice "Bt 63" in a specified product that is under his control shall inform the Agency of that result immediately.

(2) A person who without reasonable excuse fails to comply with the obligation in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(**5**) OJ No. L96, 9.4.2008, p.29.
(**6**) OJ No. L245, 29.9.2003, p.4
(**7**) OJ No. L100, 8.4.2006, p.3
(**8**) 1954 c.33 (N.I.)