STATUTORY RULES OF NORTHERN IRELAND

2007 No. 133

AGRICULTURE

The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2007

Made - - - -	*5th March 2007*
Coming into operation	*2nd April 2007*

The Department of Agriculture and Rural Development being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, medicinal products and measures in the veterinary and phytosanitary fields for the protection of public health in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 makes the following Regulations.

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2007, shall come into operation on 2nd April 2007.

Interpretation

2.—(1) In these Regulations—

"the 2006 Regulations" means the Official Feed and Food Controls Regulations (Northern Ireland) 2006(**3**);

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

"audit" means, except in regulation 6, an audit of a competent authority carried out for the purposes of Article 4.6 of Regulation 882/2004 in relation to one or more pieces of relevant legislation; and

(**1**) S.I. 1972/1811 in relation to the common agricultural policy and medicinal products, and S.I. 1999/2027 in relation to veterinary and phytosanitary measures for the protection of public health
(**2**) 1972, c. 68
(**3**) S.R. 2006 No.2

"auditor" means a person carrying out such an audit;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector, and in relation to any piece of relevant legislation means a person appointed as an inspector by the Department to act in Northern Ireland under that relevant legislation;

"premises" means premises or other property, place or means of transport;

"Regulation 882/2004" means 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(**4**), as amended by Commission Regulation (EC) No. 776/2006 amending Annex VII as regards Community reference laboratories(**5**) and as read with—

(a) Commission Decision 2006/677 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules(**6**);

(b) Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**7**);

(c) Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004, and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**8**); and

(d) 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 last amended by Regulation (EC) No. 575/2006 of the European Parliament and of the Council;

"relevant legislation" means feed law and food law to which Regulation 882/2004 applies and animal health and welfare rules, except—

(a) "relevant feed law" and "relevant food law" as defined in the 2006 Regulations; and

(b) the Veterinary Medicines Regulations 2006(**9**) in so far as they regulate zootechnical additives and medicated feedingstuffs.

(2) In the definition of "relevant legislation" in paragraph (1)—

(a) "medicated feedingstuffs" has the meaning given in Article 1.6 of Directive 2001/82/EC of the European Parliament and of the Council on the Community code relating to veterinary medicinal products(**10**) as amended by Directive 2004/28/EC of the European Parliament

(**4**) O.J. No. L165, 30.4.2004, p.1; see the corrected text as set out in the corrigendum to the Regulation published in O.J. No. L 191, 28.5.2004, p.1
(**5**) O.J. No. L136, 24.5.2006, p.3
(**6**) O.J. No. L278, 10.10.2006, p.15
(**7**) O.J. No. L338, 22.12.2005, p,27
(**8**) O.J. No. L338, 22.12.2005, p.83
(**9**) S.I. 2006/2407
(**10**) O.J. No. L311, 28.11.2001, p.1

and of the Council amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products(**11**); and

(b) "zootechnical additives" means feed additives in the categories mentioned in Article 6.1(d) and (e) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition(**12**) with the exception of those belonging to the functional group listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation.

(3) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in Regulation 882/2004.

(4) Unless the context otherwise requires, references in these Regulations to an "Article" or "Title" are to an Article or Title, respectively, of Regulation 882/2004.

(5) The Interpretation Act (Northern Ireland) 1954(**13**) shall apply to these Regulations as it applies to an Act of the Assembly.

PART II

DESIGNATION OF COMPETENT AUTHORITIES AND THE EXCHANGE OF INFORMATION AMONGST THEM

Designation of the Department as competent authority

3. The Department is designated the competent authority for the purposes of Article 4.1 in relation to relevant legislation.

Exchange of information

4. The competent authority designated under these Regulations may disclose information to other competent authorities in the United Kingdom and other member States for the purposes of Regulation 882/2004.

PART III

AUDITS AND COMMUNITY CONTROLS

Powers of auditors

5.—(1) An auditor may exercise the powers in this regulation if he is authorised by the competent authority designated under these Regulations to carry out an audit of its activities.

(2) For the purposes of carrying out an audit, an auditor may enter premises to which an inspector has a power of entry under relevant legislation ("audit premises") as if the auditor were an inspector meeting the criteria for gaining such entry under that relevant legislation.

(3) An auditor exercising his power of entry may bring with him any person whose assistance he reasonably requires.

(4) An auditor may request such information from any person at any audit premises as he reasonably requires for purposes of the audit, and may inspect such records as he reasonably requires for those purposes.

(**11**) O.J. No. L136, 30.4.2004, p.58
(**12**) O.J. No. L268, 18.10.2003, p.29
(**13**) 1954 c.33 (N.I.)

(5) An auditor may make or require copies of such records.

(6) When exercising the powers conferred by this regulation an auditor shall upon request produce evidence of his authorisation under these Regulations.

Community controls

6. In so far as he does not already have powers to do so, for the purposes of facilitating audits to be carried out by Commission experts pursuant to Article 45, an inspector may enter any premises to which he has a power of entry under relevant legislation, and—

(a) bring with him any such experts; and

(b) show them such records as he inspects.

PART IV

ASSISTANCE AND CO-OPERATION UNDER TITLE IV AND RECOVERY OF EXPENSES

Facilitating assistance and co-operation under Title IV

7.—(1) For the purposes of assisting a competent authority of another member State as provided for under Article 36.3, or enabling the competent authority designated under these Regulations to do so, an inspector exercising his powers under relevant legislation to enter premises or to inspect records may—

(a) bring with him authorised officers of a competent authority of another member State;

(b) show to them such records as he inspects; and

(c) make for them or require copies to be made for them of such records as he has powers to make or require under the relevant legislation.

(2) For the purposes of facilitating a visit by an inspection team sent by the Commission as provided for in Article 40.3(a), an inspector may bring with him representatives of the Commission when exercising his powers under relevant legislation to enter premises or to inspect records.

Recovery of expenses

8.—(1) Expenses charged to a feed or food business by the competent authority pursuant to Article 40.4 shall be paid by that business on the written demand of the competent authority.

(2) Expenses charged by the competent authority to an operator pursuant to Article 28 shall be paid by that operator on the written demand of the competent authority.

(3) In this regulation "competent authority" means the competent authority designated under regulation 3

PART V

ENFORCEMENT AND PENALTIES

Interpretation and application of Part V

9. In this Part—

(a) "premises" excludes any premises or part of premises used exclusively as a dwelling;