STATUTORY RULES OF NORTHERN IRELAND

2004 No. 7

FOOD

Collagen and Gelatine (Intra-Community Trade) Regulations (Northern Ireland) 2004

Made - - - -	*12th January 2004*
Coming into operation	*23rd February 2004*

The Department of Health, Social Services and Public Safety, being a Department 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, in exercise of the powers conferred on it by that section and of all other powers enabling it in that behalf, and after consultation 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(**3**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Collagen and Gelatine (Intra-Community Trade) Regulations (Northern Ireland) 2004 and shall come into operation on 23rd February 2004.

Interpretation

2.—(1) In these Regulations –

"the Agency" means the Food Standards Agency(**4**);

"collagen intended for human consumption", "collection centre", "establishment producing collagen", "raw material" and "tannery" have the same meaning as in Commission Decision 2003/721/EC; and

"Commission Decision 2003/721/EC" means Commission Decision 2003/721/EC amending Council Directive 92/118/EEC as regards requirements for collagen intended for human consumption(**5**).

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L31, 1.2.2001, p. 1
(**4**) Established by s. 1 of the Food Standards Act 1999 (c. 28)
(**5**) O.J. No. L260, 11.10.2003, p. 21

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendments to the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

3.—(1) The Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(**7**) are amended in accordance with paragraphs (2) and (3).

(2) In paragraph 9 of Schedule 3 (Directives to be complied with for intra-Community trade), immediately before "and as amended by" there shall be inserted "and Commission Decision 2003/721/EC (O.J. No. L260, 11.10.2003, p. 21)".

(3) In paragraph 12 of Schedule 3 there shall be inserted at the end "Commission Decision 2003/721/EC (O.J. No. L260, 11.10.2003, p. 21);".

Authorisation of collection centres and tanneries

4.—(1) A district council shall, on application being made under this regulation, authorise a collection centre or tannery for the purpose of supplying raw materials for the production of collagen intended for human consumption if it is satisfied that –

(a) the collection centre or tannery has storage rooms with hard floors and smooth walls which are easy to clean and disinfect;

(b) where appropriate, the collection centre or tannery is provided with refrigeration facilities;

(c) the storage rooms of the collection centre or tannery are kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination of raw materials;

(d) where any raw material which does not comply with a requirement imposed by virtue of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998 is or will be stored or processed in the premises of the collection centre or tannery, it is or, as appropriate, will be, segregated throughout the period of receipt, storage, processing and dispatch from raw material which does so comply; and

(e) the district council has all the information it requires to notify the Agency of an authorisation in accordance with regulation 9(2)(a).

(2) When granting any authorisation under this regulation, the district council shall allocate a unique identification number to the collection centre or tannery concerned.

(3) The proprietor of the business carried on at any establishment authorised under this regulation shall give notice immediately to the district council of –

(a) any change, or intended change, of the proprietorship of such business; or

(b) any material change, or intended material change, in the operation of such business.

Authorisation of establishments producing collagen intended for human consumption

5.—(1) A district council shall, on application being made under this regulation, authorise an establishment for the production of collagen intended for human consumption if the district council is satisfied that –

(a) the proprietor of the establishment carries out checks to ensure that –

(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1998 No. 45; the relevant amending Regulations are S.R. 2001 No. 226

(i) critical points in the establishment relative to the production process used are identified and are acceptable to the district council,

(ii) methods for monitoring and controlling such points are established and are acceptable to the district council,

(iii) samples are taken for the purposes of checking, cleaning and disinfection methods and compliance with the standards prescribed in accordance with Commission Decision 2003/721/EC,

(iv) such samples are analysed as appropriate in a laboratory acceptable to the district council,

(v) the district council is notified immediately when a laboratory examination of samples or any other information at the proprietor's disposal reveals a serious health risk, and

(vi) in the event of an imminent health risk, the quantity of products, obtained in technologically similar conditions and likely to present the same risk, is withdrawn from the market;

(b) the proprietor of the establishment has a system in place for ensuring that a record is made in permanent form in respect of the matters specified in heads (i) to (iii) of paragraph (a) and the results of the analysis referred to in head (iv) of that paragraph, and that it is kept for a period of at least two years and is made available to the district council upon request;

(c) the proprietor of the establishment has arranged or established a staff training programme to enable staff engaged in the production of collagen intended for human consumption, and who do not already have qualifications which are adequate and relevant for that purpose, to comply with the conditions of hygienic production appropriate to their duties; and

(d) the district council has all the information it requires to notify the Agency of an authorisation in accordance with regulation 9(2)(a).

(2) When granting an authorisation under this regulation, the district council shall allocate a unique identification number to the establishment concerned.

(3) The proprietor of the business carried on at any establishment authorised under this regulation shall give notice immediately to the district council of –

(a) any change, or intended change, of the proprietorship of such business; or

(b) any material change, or intended material change, in the operation of such business.

Suspension and withdrawal of authorisations

6.—(1) A district council may suspend or withdraw an authorisation granted under regulation 4 or 5 if it is satisfied that the collection centre, tannery or establishment concerned ("the premises") does not satisfy the requirements specified in regulation 4(1) or 5(1) as appropriate, or that the proprietor of the premises has failed to comply with regulation 4(3) or 5(3), as appropriate.

(2) A district council shall not suspend or withdraw an authorisation under this regulation unless –

(a) it has served a notice on the proprietor of the business carried on at the premises; and

(b) it is satisfied, after the time for compliance with the notice has expired, that the premises do not comply with the requirements specified in the notice.

(3) A notice served under paragraph (2)(a) shall –

(a) state that the district council proposes to suspend or, as the case may be, withdraw the authorisation;

(b) identify each requirement specified in regulation 4(1) or (3) or, as appropriate, regulation 5(1) or (3) which the district council is satisfied has not been complied with in relation to the premises;