

Draft Regulations laid before the Assembly under paragraph 8F(9) of Part 1A of Schedule 7 of the European Union (Withdrawal) Act 2018, for approval by resolution of the Assembly

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2021 No.0000

AGRICULTURE

FOOD

The Food and Feed Hygiene and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2021

Laid before the Assembly in draft

Made - - - - 0th Month 2021

Coming into operation 0th Month 2021

The Department of Health⁽¹⁾ makes these Regulations in exercise of the powers conferred by sections 11 and 22 of, and paragraph 11M(1) of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽²⁾.

In accordance with paragraph 8F(9) of Part 1A of Schedule 7 to that Act, a draft of these Regulations was laid before and approved by a resolution of the Northern Ireland Assembly.

As required by Article 9 of Regulation (EC) No 178/2002⁽³⁾ 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food and Feed Hygiene and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 and come into operation on 0th Month 2021.

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

(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.) section 1(5)

(2) 2018 c. 16, amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1)

(3) OJ L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 2019/1381 of the European Parliament and of the Council on the transparency and sustainability of the EU risk assessment in the food chain (OJ L231, 6.09.2019, p.1-28)

(4) 1954 c. 33 (N.I.)

Amendment of the Food Hygiene Regulations (Northern Ireland) 2006

- 2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006⁽⁵⁾ are amended as follows.
- (2) In regulation 2 (Interpretation)—
- (a) in paragraph (1)—
- (i) omit the definition that begins “Directive 2004/41”;
- (ii) for the definition of “the Regulation 2017/625 package” substitute—
- ““the Regulation 2017/625 package” means Regulation 2017/625 and the other EU Regulations listed in Schedule 1 under the heading “The Regulation 2017/625 package””;
- (b) after paragraph (1) insert—
- “(1A) Any reference in these Regulations to Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.”.
- (3) In regulation 17 (Offences and penalties)—
- (a) in paragraph (1) omit “paragraphs (4) and (5)” and substitute “paragraph (4)”;
- (b) omit paragraph (5).
- (4) Omit regulation 32.
- (5) Omit Schedule 2A.
- (6) For Schedule 1 (DEFINITIONS OF COMMUNITY LEGISLATION) substitute the Schedule that is set out in Schedule 1 to these Regulations.

Amendment of the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007

- 3.—(1) The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007⁽⁶⁾ are amended as follows.
- (2) In regulation 2 (Interpretation), in paragraph (1), in the definition that begins “Directive 2004/41” omit ““Regulation 2019/624””.
- (3) In the Schedule (DEFINITIONS OF EU LEGISLATION) omit the definition of “Regulation 2019/624”.

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

- 4.—(1) The Official Feed and Food Controls Regulations (Northern Ireland) 2009⁽⁷⁾ are amended as follows.
- (2) In regulation 2 (Interpretation)—
- (a) in paragraph (1)—
- (i) omit the definition that begins “Decision 2007/275”;
- (ii) for the definition “the Regulation 2017/625 package” substitute—
- ““the Regulation 2017/625 package” means Regulation 2017/625 and the EU Regulations listed below the heading “The Regulation 2017/625 package” in Schedule 1;”;
- (b) after paragraph (1) insert—

(5) [S.R. 2006 No.3](#), last amended by [S.R. 2020 No.286](#)

(6) [S.R. 2007 No.497](#), as amended by [S.R. 2019 No.220](#)

(7) [S.R. 2009 No.427](#), last amended by [S.R. 2020 No.291](#)

“(1A) Any reference in these Regulations to Decisions, Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.”.

(3) In regulation 21 (Interpretation of this Part), in the definition of “product”, for the words from “required” to “border control posts” substitute “listed in [Decision 2007/275/EC](#)”.

(4) In regulation 31 (Notices in relation to imports of feed and food from third countries pursuant to the previous regulation), in paragraph (3), for “Article” substitute “Articles”.

(5) In regulation 34 (Costs and fees), in paragraph (2) omit “and (c)”.

(6) In regulation 39(1A) (Offences and penalties), for the wording from “Article 3” to “production of sprouts” substitute “Article 13 of Regulation 2019/625, in so far as it applies to sprouts and seeds intended for the production of sprouts, as read with Article 27 of Regulation 2019/628 and Regulation 2020/2235”.

(7) In Part 4 (RECOVERY OF EXPENSES), at the appropriate place insert—

“Fees or charges arising from unplanned official controls

41A. Fees or charges imposed by a competent authority on an operator pursuant to Article 79(2)(c) of Regulation 2017/625 must be paid by the operator on the written demand of the competent authority.”.

(8) For Schedule 1 (DEFINITIONS OF EU LEGISLATION) substitute the Schedule that is set out in Schedule 2 to these Regulations.

(9) For Schedule 4 (COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FEED LAW) substitute the Schedule that is set out in Schedule 3 to these Regulations.

(10) For Schedule 5 (COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW) substitute the Schedule that is set out in Schedule 4 to these Regulations.

(11) For Schedule 6 (SPECIFIED IMPORT PROVISIONS) substitute the Schedule that is set out in Schedule 5 to these Regulations.

Amendment of the Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016

5. In regulation 19 (Duties to enforce), for “1829/2002” substitute “1829/2003”.

Sealed with the official seal of the Department of Health on 0th Month 2021.



Name
A senior officer of the Department of Health

SCHEDULE 1

Regulation 2(6)

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF LEGISLATION

“Directive 2004/41” means [Directive 2004/41/EC](#) of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council [Decision 95/408/EC](#)(**8**);

“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 read with Regulation 931/2011 and Regulation 208/2013(**9**);

“Regulation 852/2004” means Regulation (EC) No.852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as read with Regulation 2073/2005 and Regulation 210/2013(**10**);

“Regulation 853/2004” means Regulation (EC) No.853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and 2017/185(**11**);

“Regulation 1688/2005” means Commission Regulation (EC) No.1688/2005 implementing Regulation (EC) No.853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(**12**);

“Regulation 2073/2005” means Commission Regulation (EC) No.2073/2005 on microbiological criteria for foodstuffs(**13**);

“Regulation 2074/2005” means 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(**14**);

“Regulation 931/2011” means Commission Implementing Regulation (EU) No.931/2011 on the traceability requirements set by Regulation (EC) No.178/2002 of the European Parliament and of the Council for food of animal origin(**15**);

“Regulation 1169/2011” means Regulation (EU) No.1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No.1924/2006 and (EC) No.1925/2006 of the European Parliament and of the Council, and repealing Commission [Directive 87/250/EEC](#), Council [Directive 90/496/EEC](#),

(8) OJ L157, 30.4.2004, p.33. The revised text of [Directive 2004/41/EC](#) is now set out in a Corrigendum (OJ L195, 2.6.2004, p.12)

(9) O.J. No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 2019/1381 of the European Parliament and of the Council on the transparency and sustainability of the EU risk assessment in the food chain (O.J. No. L231, 6.09.2019, p.1-28)

(10) OJ L139, 30.4.2004, p.1. The revised text of Regulation (EC) No.852/2004 is now set out in a Corrigendum (OJ L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ L204, 4.8.2007, p.26)

(11) OJ L139, 30.4.2004, p.55. The revised text of Regulation (EC) No.853/2004 is now set out in a Corrigendum (OJ L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ L204, 4.8.2007, p.26)

(12) OJ L271, 15.10.2005, p.17

(13) OJ L338, 22.12.2005, p.1, as read with the Corrigenda at OJ No.L278, 10.10.2006, p.32 and OJ No.L283, 14.10.2006, p.62

(14) OJ L338, 22.12.2005, p.27

(15) OJ L242, 20.9.2011, p.2

Commission [Directive 1999/10/EC](#), [Directive 2000/13/EC](#) of the European Parliament and of the Council, Commission Directives [2002/67/EC](#) and [2008/5/EC](#) and Commission Regulation (EC) No.608/2004**(16)**;

“Regulation 208/2013” means Commission Implementing Regulation (EU) No.208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts**(17)**;

“Regulation 210/2013” means Commission Regulation (EU) No.210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No.852/2004 of the European Parliament and of the Council**(18)**;

“Regulation 579/2014” means Commission Regulation (EU) No.579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No.852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea**(19)**;

“Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat**(20)**;

“Regulation 2017/185” means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No.853/2004 and (EC) No.854/2004 of the European Parliament and of the Council**(21)**;

“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council 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, amending Regulations (EC) No.999/2001, (EC) No.396/2005, (EC) No.1069/2009, (EC) No.1107/2009, (EU) No.1151/2012, (EU) No.652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No.1/2005 and (EC) No.1099/2009 and Council Directives [98/58/EC](#), [1999/74/EC](#), [2007/43/EC](#), [2008/119/EC](#) and [2008/120/EC](#), and repealing Regulations (EC) No.854/2004 and (EC) No.882/2004 of the European Parliament and of the Council, Council Directives [89/608/EEC](#), [89/662/EEC](#), [90/425/EEC](#), [91/496/EEC](#), [96/23/EC](#), [96/93/EC](#) and [97/78/EC](#) and Council [Decision 92/438/EEC](#) as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package**(22)**;

The Regulation 2017/625 package

“Regulation 2019/478” means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts**(23)**;

“Regulation 2019/624” means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council**(24)**;

“Regulation 2019/625” means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption**(25)**;

(16) OJ L304, 22.11.2011, p.18

(17) OJ L68, 12.3.2013, p.16

(18) OJ L68, 12.3.2013, p.24

(19) OJ L160, 29.5.2014, p.14

(20) OJ L212, 11.8.2015, p.7

(21) OJ L29, 3.2.2017, p.21

(22) OJ L 95, 7.4.2017, p.1

(23) OJ L82, 25.3.2019, p.4

(24) OJ L131, 17.5.2019, p.1

(25) OJ L131, 17.5.2019, p.18