



STATUTORY INSTRUMENTS.

S.I. No. 312 of 2010



EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)
(AMENDMENT) REGULATIONS 2010.

(Prn. A10/0933)

EUROPEAN COMMUNITIES (FOOD AND FEED HYGIENE)
(AMENDMENT) REGULATIONS 2010.

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Commission Regulation (EC) No. 669/2009 of 24 July 2009¹ as amended by Commission Regulation (EC) No. 212/2010 of 12 March 2010², Commission Regulation (EC) No. 1161/2009 of 30 November 2009³, Commission Regulation (EC) No. 1162/2009 of 30 November 2009⁴ and Commission Regulation (EU) No. 365/2010⁵ of 28 April 2010, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Food and Feed Hygiene) (Amendment) Regulations 2010.

2. (1) The European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009) are amended—

(a) by the substitution wherever it occurs, for “Commission Regulation (EC) No. 2076/2005” or “Commission Regulation (EC) No. 2076/2005 of 5 December 2005”, of “Commission Regulation (EU) No. 1162/2009 of 1 December 2009”,

(b) in Regulation 2(1), by the substitution for the definition of “Regulation No. 853/2004”, of—

“ ‘Regulation No. 853/2004’ means Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 (and, in so far as is required by Article 2 thereof, Articles 2 and 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 and Regulation No. 852/2004) as amended by Commission Regulation (EC) No. 2074/2005, Commission Regulation (EC) No. 2076/2005 and Commission Regulation (EC) No. 1662/2006 and Commission Regulation (EC) No. 1666/2006, Commission Regulation (EC) No. 1019/2008 of 17 October 2008 and Commission Regulation (EC) No. 1161/2009 of 30 November 2009;”,

¹O.J. L 194 of 25.7.2009, 11.

²O.J. L 65 of 13.3.2010, 16.

³O.J. L 314 of 1.12.2009, 9.

⁴O.J. L 314 of 1.12.2009, 10.

⁵O.J. L 107 of 29.4.2010, 9.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd July, 2010.*

(c) by the substitution, for Regulation 3 (4) (b) and (c), of—

“(b) a food business engaged in the slaughter of animals not otherwise mentioned in these Regulations,

(c) a food business to which, immediately before the making of the Regulations of 2005—

(i) the European Communities (Egg Products) Regulations 1991 (S.I. No. 293 of 1991), or

(ii) the European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk based products) Regulations 1996 (S.I. No. 9 of 1996),

applied or, but for the making of these Regulations of 2005 would apply, or

(d) a feed business,

shall be in a form and contain any information that the Minister may require.”,

(d) by the substitution, for Regulation 4 (3) (b) and (c), of—

“(b) a food business engaged in the slaughter of animals not otherwise mentioned in these Regulations,

(c) a food business to which, immediately before the making of the Regulations of 2005—

(i) the European Communities (Egg Products) Regulations 1991 (S.I. No. 293 of 1991), or

(ii) the European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk based products) Regulations 1996 (S.I. No. 9 of 1996),

applied or, but for the making of these Regulations of 2005 would apply, or

(d) a feed business,

shall be in a form and contain any information that the Minister may require.”,

(e) by the deletion, in Regulation 23 of “subject to Article 4 of Commission Regulation (EC) No. 2076/2005 of 5 December 2005, and subject to Article 7 of Commission Regulation (EC) No. 2076/2005 of 5 December 2005,”,

(f) by the insertion, after Regulation 23, of—

“23A A person who, by act or omission—

- (a) imports an animal product in contravention of Articles 11 or 12,
- (b) imports a live bivalve mollusc, echinoderm, tunicate, or marine gastropod in contravention of Article 13,
- (c) imports a product of animal origin in contravention of Article 14, or
- (d) imports a fishery product in contravention of Article 15,

of Regulation (EC) No. 854/2004 commits an offence.”, and

(g) by the insertion after Regulation 27, of—

“27A. (1) The designated points of entry for the purposes of Article 5 of Commission Regulation (EC) No. 669/2009 of 24 July 2009 are—

- (a) the ports of Dublin, Cork or Foynes in respect of animal feed, or
- (b) Dublin airport or Dublin port in respect of fruit or vegetable products.

(2) A person who contravenes—

- (a) Article 6, which relates to prior notification of consignments,
- (b) Article 7, which relates to common entry documents,
- (c) Article 10, which relates to release of products for free circulation,
- (d) Article 11, which relates to making available resources and equipment, or
- (e) Article 12, which relates to splitting of consignments,

of Commission Regulation (EC) No. 669/2009 of 24 July 2009 commits an offence.”.

(h) in Regulation 6(8), by the substitution for the definition of “Directive”, of—

“Directive” means Directive No. 2002/32/EC of the European Parliament and of the Council of 7 May 2002 as amended by Commission Directive 2003/57/EC of 17 June 2003, Commission Directive No. 2003/100/EC of 31 October

2003, Commission Directive No. 2005/8/EC of 27 January 2005, Commission Directive No. 2005/86/EC of 5 December 2005, Commission Directive No. 2005/87/EC of 5 December 2005, Commission Directive No. 2006/13/EC of 3 February 2006, Commission Directive No. 2006/77/EC of 29 September 2006, Commission Directive No. 2008/76/EC of 25 July 2008, Commission Directive No. 2009/8/EC of 10 February 2009 and Commission Directive No. 2009/141/EC of 23 November 2009;



GIVEN under my Official Seal,
24 June 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations provide for amendments to the principal Food and Feed Hygiene Regulations 2009 (SI 432 of 2009) in the areas of, food of animal origin, milk, slaughterhouses, undesirable substances in feed and additional controls for imports of high risk products of non-animal origin.

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