



STATUTORY INSTRUMENTS.

S.I. No. 68 of 2015



EUROPEAN COMMUNITIES (FOOD AND FEED
HYGIENE)(AMENDMENT) REGULATIONS 2015

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, 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 Implementing Regulation (EU) No. 208/2013 of 11 March 2013¹, Commission Regulation (EU) No. 209/2013 of 11 March 2013², Commission Regulation (EU) No. 210/2013 of 11 March 2013³ and Commission Regulation (EU) No. 211/2013 of 11 March 2013⁴ (as amended by Commission Regulation (EU) No. 704/2014 of 25 June 2014⁵), and Regulation (EU) No. 652/2014 of the European Parliament and of the Council of 15 May 2014⁶, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Food and Feed Hygiene)(Amendment) Regulations 2015.

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

(a) in Regulation 2 (1) by substituting—

(i) for subparagraphs (a) to (i) of the definition of “authorised officer” the following—

“(a) an authorised officer within the meaning of section 37 of the Animal Health & Welfare Act 2013 (No. 15 of 2013),

(b) a veterinary inspector within the meaning of section 35, or authorised officer within the meaning of section 53, of the Abattoirs Act 1988 (No. 8 of 1988),

(c) an authorised officer within the meaning of the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998),

(d) a sea-fisheries protection officer (within the meaning of section 16 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006)),

(e) a person who, immediately before the making of these Regulations, was an authorised officer within the meaning of the

¹OJ L 68, 12.3.2013, p. 16

²OJ L 68, 12.3.2013, p. 19

³OJ L 68, 12.3.2013, p. 24

⁴OJ L 68, 12.3.2013, p. 26

⁵OJ L 186, 26.6.2014, p. 49

⁶OJ L 189, 27.6.2014, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd March, 2015.*

Regulations of 2005 (other than a person appointed under 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)),

(f) an authorised officer within the meaning of the European Communities (Marketing Standards for eggs) Regulations 2009 (S.I. No. 140 of 2009),

(g) a member of an Garda Síochána,

(h) an officer of the Revenue Commissioners, or

(i) a person appointed under Regulation 12;”,

(ii) for the definition of “Regulation No. 178/2002” the following—

“‘Regulation No. 178/2002’ means Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002⁷ (as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council of 22 July 2003⁸, Commission Regulation (EC) No. 575/2006 of 7 April 2006⁹, Commission Regulation (EC) No. 202/2008 of 4 March 2008¹⁰, Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009¹¹ and Regulation (EU) No. 652/2014 of the European Parliament and of the Council of 15 May 2014) and Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011¹²;”,

(iii) for the definition of “Regulation No. 852/2004” the following—

“‘Regulation No. 852/2004’ means Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004¹³ as amended by Commission Regulation (EC) No. 1019/2008 of 17 October 2008¹⁴ and Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009¹⁵;”, and

(iv) for the definition of “Regulation No. 183/2005” the following—

“‘Regulation No. 183/2005’ means Regulation (EC) No. 183/2005 of the European Parliament and of the Council

⁷OJ L 31, 1.2.2002, p. 1

⁸OJ L 245, 29.9.2003, p. 4

⁹OJ L 100, 8.4.2006, P. 3

¹⁰OJ L 60, 5.3.2008, P. 17

¹¹OJ L 188, 18.7.2009, P. 14

¹²OJ L 242, 20.9.2011, p. 2

¹³OJ L 139, 30.4.2004, p. 1

¹⁴OJ L 277, 18.10.2008, p. 7

¹⁵OJ L 87, 31.3.2009, p. 109

of 12 January 2005¹⁶ as amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009 and Commission Regulation (EU) No. 225/2012 of 15 March 2012¹⁷,”

(b) by substituting for Regulation 2 (2) the following—

“A word or expression that is used in Regulation No. 178/2002, Regulation No. 852/2004, Regulation No. 853/2004, Regulation No. 854/2004, Regulation No. 882/2004, Regulation No. 183/2005, Commission Implementing Regulation (EU) No. 208/2013 of 11 March 2013, Commission Regulation (EU) No. 209/2013 of 11 March 2013, Commission Regulation (EU) No. 210/2013 of 11 March 2013 or Commission Regulation (EU) No. 211/2013 of 11 March 2013 and that is also used in these Regulations has, in these Regulations (other than Regulation 6), the same meaning as in the Regulation (cited in this paragraph) in which it occurs.”,

(c) by substituting for Regulation 4(1) (a) the following—

“(a) a food business to which Article 2 of Commission Regulation (EU) No. 210/2013 of 11 March 2013 or Article 4(3) of Regulation No. 853/2004 applies other than and in accordance with an approval granted for the purposes of those provisions (‘food business approval’), or”,

(d) by substituting for Regulation 4(3)(as amended by the European Communities (Food and Feed Hygiene)(Amendment)Regulations 2010 (S.I. No. 312 of 2010)) the following—

“(3) An application for a feed business approval or food business approval in respect of—

(a) a food business of a class or description specified in paragraph (2) where the amount produced is greater than the amount specified for that type of business in that paragraph,

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

(c) a food business engaged in the production of sprouts,

(d) 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

¹⁶OJ L 35, 8.2.2005, p. 1

¹⁷OJ L 77, 16.3.2012, p. 1

- (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 the Regulations of 2005 would apply, or

- (e) a feed business,

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

- (e) by substituting for Regulation 25 the following—

“ Contravention of Commission Regulation (EC) No. 2073/2005 of 15 November 2005

25. A person who, by act or omission-

- (a) fails to comply with a general requirement in contravention of Article 3,
- (b) fails to perform testing in contravention of Article 4,
- (c) fails to comply with a specific rule in contravention of Article 5,
- (d) fails to comply with a labelling requirement in contravention of Article 6,
- (e) fails to take a measure in contravention of Article 7(1),
- (f) deals with a product in contravention of Article 7(2),
- (g) fails to take action, in contravention of Article 7(4),
- (h) fails to analyse trends, in contravention of Article 9, or
- (i) otherwise contravenes a provision (mentioned in this Regulation),

of Commission Regulation (EC) No. 2073/2005 of 15 November 2005, as amended by Commission Regulation (EU) No. 209/2013 of 11 March 2013, commits an offence.”,

- (f) by the insertion, after Regulation 27B (inserted by the European Communities (Food and Feed Hygiene)(Amendment)(No. 2)Regulations, 2010 (S.I. No. 488 of 2010)), of—

“Contravention of Commission Implementing Regulation (EU) No. 208/2013 of 11 March 2013

27C. A person who, by act or omission—

- (a) fails to keep and transmit records at all stages of production, processing and distribution of batches of sprouts or of batches of seeds intended for the production of sprouts in contravention of Article 3(1), (2) and (3),
- (b) fails to co-operate with a registering authority or an authorised officer in contravention of Article 3(4),
- (c) imports seeds intended for the production of sprouts or consignments of sprouts, other than in accordance with Article 4(1),
- (d) fails to keep the certificate relating to importation in contravention of Article 4(2),
- (e) fails to provide copies of certificates to food business operators in contravention of Article 4(3) of Commission Implementing Regulation (EU) No. 208/2013 of 11 March 2013 commits an offence.

Contravention of Commission Regulation (EU) No. 210/2013 of 11 March 2013

27D. A food business operator who, by act or omission, fails to ensure that establishments producing sprouts are approved in accordance with Article 2 of Commission Regulation (EU) No. 210/2013 of 11 March 2013, commits an offence.

Contravention of Commission Regulation (EU) No. 211/2013 of 11 March 2013

27E. A person who, by act or omission, imports sprouts, or seeds intended for the production of sprouts, other than in accordance with Article 3 of Commission Regulation (EU) No. 211/2013 of 11 March 2013, as amended by Commission Regulation (EU) No. 704/2014 of 25 June 2014, commits an offence.”.



GIVEN under my Official Seal,
17 February 2015.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations give effect to four European Regulations concerning Food hygiene as it relates to sprouts and seeds used for sprouting and amends the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009) giving effect to Regulation No. 178/2002 (General Food Law), Regulation No. 852/2004 (Hygiene in Food) and Commission Regulation No. 2073/2005 (Microbiological Criteria), in the manner specified in these Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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