



STATUTORY INSTRUMENTS.

S.I. No. 251 of 2017

EUROPEAN UNION (SPECIAL CONDITIONS GOVERNING THE
IMPORT OF CERTAIN FOOD FROM CERTAIN THIRD COUNTRIES
DUE TO CONTAMINATION RISK BY AFLATOXINS) (AMENDMENT)
REGULATIONS 2017

EUROPEAN UNION (SPECIAL CONDITIONS GOVERNING THE IMPORT OF CERTAIN FOOD FROM CERTAIN THIRD COUNTRIES DUE TO CONTAMINATION RISK BY AFLATOXINS) (AMENDMENT) REGULATIONS 2017

I, SIMON HARRIS, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving partial effect to Commission Implementing Regulation (EU) 2016/2106 of 1 December 2016¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries Due to Contamination Risk by Aflatoxins) (Amendment) Regulations 2017.

(2) The Principal Regulations, the Regulations of 2016 and these Regulations may be cited together as the European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries Due to Contamination Risk by Aflatoxins) Regulations 2015 to 2017.

2. In these Regulations—

“Principal Regulations” means the European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries Due to Contamination Risk by Aflatoxins) Regulations 2015 (S.I. No. 250 of 2015);

“Regulations of 2016” means the European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries due to Contamination Risk by Aflatoxins) (Amendment) Regulations 2016 (S.I. No. 449 of 2016).

3. The Principal Regulations are amended—

(a) in Regulation 2(1) (as amended by Regulation 3(a) of the Regulations of 2016)—

(i) by substituting for the definition of “EU Regulation 884/2014” the following:

“ ‘EU Regulation 884/2014’ means Commission Implementing Regulation (EU) No. 884/2014 of 13 August 2014², as amended by Commission Implementing Regulation (EU) 2016/24 of 8

¹OJ No. L 327, 2.12.2016, p. 44.

²OJ No. L 242, 14.8.2014, p. 4.

January 2016³ and Commission Implementing Regulation (EU) 2016/2106 of 1 December 2016¹”, and

- (ii) by substituting for subparagraph (c) of the definition of “consignment” the following:

“(c) compound food containing any of the food referred to in Article 1(1) of, and Annex I to, EU Regulation 884/2014 in a quantity above 20 per cent of either a single product or as the sum of products referred to in that Article and Annex,”, and

- (b) in Regulation 11 (as amended by Regulation 3(c) of the Regulations of 2016), by inserting after paragraph (8) the following paragraph:

“(9) Notwithstanding paragraph (2)(j), (l), (m) and (p), a person who imports a consignment of food referred to in Article 1(1)(l), (m) or (n) of EU Regulation 884/2014 which left the country of origin before 22 December 2016, and fails to—

- (a) submit the results of sampling and analysis in accordance with Regulation 7(1)(d) and Article 4(1) of EU Regulation 884/2014,
- (b) submit a health certificate in accordance with Regulation 7(1)(h) or Article 5 of EU Regulation 884/2014,
- (c) identify the consignment(s) with a code in accordance with Regulation 7(1)(i), or
- (d) ensure that the consignment is accompanied by a health certificate and the result of sampling and analysis in accordance with Regulation 7(1)(k) and Article 9(7) of EU Regulation 884/2014,

is not guilty of an offence.”



GIVEN under my Official Seal,
13 June 2017.

SIMON HARRIS,
Minister for Health.

³OJ No. L 8, 13.1.2016, p. 1.

EXPLANATORY NOTE

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

These Regulations give partial effect to Commission Implementing Regulation (EU) 2016/2106 of 1 December 2016 amending Implementing Regulation (EU) No. 884/2014 imposing special conditions governing the import of spices from Ethiopia, groundnuts from Argentina and hazelnuts from Azerbaijan and amending the special conditions governing the import of dried figs and hazelnuts from Turkey and groundnuts from India.

These Regulations amend the European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries Due to Contamination Risk by Aflatoxins) Regulations 2015 (S.I. No. 250 of 2015) in the manner specified in these Regulations.

These Regulations may be cited as the European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries Due to Contamination Risk by Aflatoxins) (Amendment) Regulations 2017.

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