



STATUTORY INSTRUMENTS.

**S.I. No. 473 of 2012.**

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EUROPEAN COMMUNITIES (GENERAL FOOD LAW)  
(AMENDMENT) REGULATIONS 2012

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EUROPEAN COMMUNITIES (GENERAL FOOD LAW)  
(AMENDMENT) REGULATIONS 2012

I, JAMES REILLY, 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 further effect to Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002<sup>1</sup> and Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011<sup>2</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (General Food Law) (Amendment) Regulations 2012.

2. In these Regulations, “Principal Regulations” means the European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007).

3. Regulation 2(1) of the Principal Regulations is amended by inserting after the definition of “food business operator” the following definitions:

“‘food of animal origin’ includes both unprocessed products and processed products, as defined in Article 2(1) of Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004<sup>3</sup>;

‘food of non-animal origin’ includes food containing both products of plant origin and processed products of animal origin.”

4. Regulation 8 of the Principal Regulations is amended by substituting for paragraphs (f), (g) and (h) the following:

“(f) to make available information in relation to food of non-animal origin in accordance with Schedule 2,

(g) to keep information in relation to food of non-animal origin for the duration prescribed in Schedule 2,

(h) to make available information in relation to food of animal origin in accordance with Schedule 3,

(i) to update information in relation to food of animal origin in accordance with Schedule 3,

<sup>1</sup>OJ No. L 31, 1.2.2002, p. 1.

<sup>2</sup>OJ No. L 242, 20.9.2011, p.2.

<sup>3</sup>OJ No. L 139, 30.4.2004, p. 1.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 4th December, 2012.*

- (j) to keep information in relation to food of animal origin available for the duration prescribed in Schedule 3, or
- (k) in any other way to comply with Article 18 of the EC Regulation.”

5. Regulation 15 of the Principal Regulations is amended by inserting after paragraph (3) the following:

“(4) Notwithstanding paragraph (3), in proceedings for an offence under these Regulations arising out of a consumer complaint, in relation to a single sample of food which can neither be divided into parts in accordance with paragraph (1), nor divided into lots in accordance with paragraph (2), the result of any test, examination or analysis of the sample may be adduced where the sample has, before trial of the proceedings, been made reasonably available to the food business operator concerned, or his or her agent, for inspection and supplementary expert examination.”

6. The Principal Regulations are amended by substituting for Schedule 2 the following:—

## “SCHEDULE 2

### TRACEABILITY INFORMATION — FOOD OF NON-ANIMAL ORIGIN

1. This Schedule shall apply to food of non-animal origin, including food containing both products of plant origin and processed products of animal origin.

2. The food business operator shall, as a minimum, keep the following information:

- (a) in relation to food supplied to the food business operator—
  - (i) name of supplier,
  - (ii) address of supplier,
  - (iii) nature of products supplied, and
  - (iv) date of transaction/delivery;
- (b) in relation to food supplied by the food business operator to another business—
  - (i) name of customer,
  - (ii) address of customer,
  - (iii) nature of products supplied, and
  - (iv) date of transaction/delivery.

3. The food business operator shall keep the information referred to in paragraph 2 at least until it can be reasonably assumed that the food has been consumed.”

7. The Principal Regulations are amended by inserting after Schedule 2 the following Schedule:-

“SCHEDULE 3

TRACEABILITY INFORMATION — FOOD OF ANIMAL ORIGIN

1. This Schedule shall apply to food of animal origin, which includes both unprocessed products and processed products, as defined in Article 2(1) of Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004.

2. The food business operator shall, as a minimum, keep the following information concerning consignments of food:

- (a) an accurate description of the food,
- (b) the volume or quantity of the food,
- (c) the name and address of the food business operator from which the food has been dispatched,
- (d) the name and address of the consignor (owner), if different from the food business operator, from which the food has been dispatched,
- (e) the name and address of the food business operator to whom the food is dispatched,
- (f) the name and address of the consignee (owner), if different from the food business operator, to whom the food is dispatched,
- (g) a reference identifying the lot, batch or consignment, as appropriate, and
- (h) the date of dispatch.

3. The information referred to in paragraph 2 shall be updated on a daily basis.

4. The information referred to in paragraph 2 shall be kept at least available until it can be reasonably assumed that the food has been consumed.

5. The information referred to in paragraph 2 shall be made clearly and unequivocally available to and retrievable by the food business operator to whom the food is supplied, in addition to any information required under relevant provisions of European Union legislation concerning the traceability of food of animal origin.

6. The information referred to in paragraph 2 shall be provided, on demand, to the official agency, without undue delay, in addition to any information required under relevant provisions of European Union legislation concerning the traceability of food of animal origin.”



GIVEN under my Official Seal,  
29 November 2012.

JAMES REILLY,  
Minister for Health.

EXPLANATORY NOTE

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

These Regulations give further effect to Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 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, insofar as those provisions relate to food.

These Regulations also give further effect to Commission Implementing Regulation (EU) No. 931/2011 of 19 September 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.

These Regulations amend the European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (General Food Law) (Amendment) Regulations 2012.

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€2.54

