



STATUTORY INSTRUMENTS.

S.I. No. 331 of 2018



EUROPEAN UNION (ORGANIC FARMING) (AMENDMENT)
REGULATIONS 2018

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I, MICHAEL CREED, 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 full effect to Council Regulation (EC) No 834/2007 of 28 June 2007¹ (as amended by Council Regulation (EC) No 967/2008 of 29 September 2008² and Council Regulation (EU) No 517/2013 of 13 May 2013³), Commission Regulation (EC) No 889/2008 of 5 September 2008⁴ (as amended by Commission Regulation (EC) No 1254/2008 of 15 December 2008⁵, Commission Regulation (EC) No 710/2009 of 5 August 2009⁶, Commission Regulation (EU) No 271/2010 of 24 March 2010⁷, Commission Implementing Regulation (EU) No 344/2011 of 8 April 2011⁸, Commission Implementing Regulation (EU) No 426/2011 of 2 May 2011⁹, Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012¹⁰, Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012¹¹, Commission Implementing Regulation (EU) No 505/2012 of 14 June 2012¹², Commission Implementing Regulation (EU) No 392/2013 of 29 April 2013¹³, Commission Regulation (EU) No 519/2013 of 21 February 2013¹⁴, Commission Implementing Regulation (EU) No 1030/2013 of 24 October 2013¹⁵, Commission Implementing Regulation (EU) No 1364/2013 of 17 December 2013¹⁶, Commission Implementing Regulation (EU) No 354/2014 of 8 April 2014¹⁷, Commission Implementing Regulation (EU) No 836/2014 of 31 July 2014¹⁸, Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014¹⁹, Commission Implementing Regulation (EU) 2016/673 of 29 April 2016²⁰, Commission Implementing Regulation (EU) No 2016/1842 of 14 October 2016²¹,

¹OJ L 189, 20.7.2007, p. 1

²OJ L 264, 3.10.2008, p.1

³OJ L 158, 10.6.2013, p.1

⁴OJ L 250, 18.9.2008, p. 1

⁵OJ L 337, 16.12.2008, p. 80

⁶OJ L 134, 1.6.2010, p. 1

⁷OJ L 84, 31.3.2010, p. 19

⁸OJ L 96, 9.4.2011, p. 15

⁹OJ L 113, 3.5.2011, p. 1

¹⁰OJ L 41, 15.2.2012, p. 5

¹¹OJ L 71, 9.3.2012, p. 42

¹²OJ L 154, 15.6.2012, p. 12

¹³OJ L 118, 30.4.2013, p. 5

¹⁴OJ L 158, 10.6.2013, p. 74

¹⁵OJ L 283, 25.10.2013, p. 15

¹⁶OJ L 343, 19.12.2013, p. 29

¹⁷OJ L 106, 9.4.2014, p. 7

¹⁸OJ L 230, 1.8.2014, p. 10

¹⁹OJ L 365, 19.12.2014, p. 97

²⁰OJ L 116, 30.4.2016, p. 8

²¹OJ L 282, 19.10.2016, p. 19

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 17th August, 2018.*

Commission Implementing Regulation (EU) No 2017/838 of 17 May 2017²² and Commission Implementing Regulation (EU) No 2017/2273 of 8 December 2017²³) and Commission Regulation (EC) No 1235/2008 of 8 December 2008²⁴ (as amended by Commission Regulation (EC) No 537/2009 of 19 June 2009²⁵, Commission Regulation (EU) No 471/2010 of 31 May 2010²⁶, Commission Implementing Regulation (EU) No 590/2011 of 20 June 2011²⁷, Commission Implementing Regulation (EU) No 1084/2011 of 27 October 2011²⁸, Commission Implementing Regulation (EU) No 1267/2011 of 6 December 2011²⁹, Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012³⁰, Commission Implementing Regulation (EU) No 508/2012 of 20 June 2012³¹, Commission Implementing Regulation (EU) No 751/2012 of 16 August 2012³², Commission Implementing Regulation (EU) No 125/2013 of 13 February 2013³³, Commission Regulation (EU) No 519/2013 of 21 February 2013³⁴, Commission Implementing Regulation (EU) No 567/2013 of 18 June 2013³⁵, Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013³⁶, Commission Implementing Regulation (EU) No 355/2014 of 8 April 2014³⁷, Commission Implementing Regulation (EU) No 442/2014 of 30 April 2014³⁸, Commission Implementing Regulation (EU) No 644/2014 of 16 June 2014³⁹, Commission Implementing Regulation (EU) No 829/2014 of 30 July 2014⁴⁰, Commission Implementing Regulation (EU) No 1287/2014 of 28 November 2014⁴¹, Commission Implementing Regulation (EU) 2015/131 of 23 January 2015⁴², Commission Implementing Regulation (EU) 2015/931 of 17 June 2015⁴³, Commission Implementing Regulation (EU) 2015/1980 of 4 November 2015⁴⁴, Commission Implementing Regulation (EU) 2015/2345 of 15 December 2015⁴⁵, Commission Implementing Regulation (EU) 2016/459 of 18 March 2016⁴⁶, Commission Implementing Regulation (EU) 2016/910 of 9 June 2016⁴⁷, Commission Implementing Regulation (EU) 2016/1330 of 2 August 2016⁴⁸, Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016⁴⁹, Commission Imple-

²²OJ L 125, 18.5.2017, p. 5

²³OJ L 326, 9.12.2017, p. 42

²⁴OJ L 334, 12.12.2008, p. 25

²⁵OJ L 159, 20.6.2009, p. 6

²⁷OJ L 161, 21.6.2011, p. 9

²⁸OJ L 281, 28.10.2011, p. 3

²⁹OJ L 324, 7.12.2011, p. 9

³⁰OJ L 41, 15.2.2012, p. 5

³¹OJ L 162, 21.6.2012, p. 1

³²OJ L 222, 18.8.2012, p. 5

³³OJ L 43, 14.2.2013, p. 1

³⁴OJ L 158, 10.6.2013, p. 74

³⁵OJ L 167, 19.6.2013, p. 30

³⁶OJ L 167, 21.6.2013, p. 51

³⁷OJ L 106, 9.4.2014, p. 15

³⁸OJ L 130, 1.5.2014, p. 39

³⁹OJ L 177, 17.6.2014, p. 42

⁴⁰OJ L 228, 31.7.2014, p. 9

⁴¹OJ L 348, 4.12.2014, p. 1

⁴²OJ L 23, 29.1.2015, p. 1

⁴³OJ L 151, 18.6.2015, p. 1

⁴⁴OJ L 289, 5.11.2015, p. 6

⁴⁵OJ L 330, 16.12.2015, p. 29

⁴⁶OJ L 80, 31.3.2016, p. 14

⁴⁷OJ L 153, 10.6.2016, p. 23

⁴⁸OJ L 210, 4.8.2016, p. 43

⁴⁹OJ L 282, 19.10.2016, p. 19

menting Regulation (EU) 2016/2259 of 15 December 2016⁵⁰, Commission Implementing Regulation (EU) 2017/872 of 22 May 2017⁵¹, Commission Implementing Regulation (EU) 2017/1473 of 14 August 2017⁵², Commission Implementing Regulation (EU) 2017/1862 of 16 October 2017⁵³ and Commission Implementing Regulation (EU) 2017/2329 of 14 December 2017⁵⁴), hereby make the following regulations:

1. These Regulations may be cited as the European Union (Organic Farming) (Amendment) Regulations 2018.

2. The European Union (Organic Farming) Regulations 2016 (S.I. No. 683 of 2016) are amended—

(a) in Regulation 26 by-

(i) substituting for “A Person” “(1) A person”, and

(ii) inserting after paragraph (1) the following:

“(2) A person who contravenes paragraph (1) commits an offence.”,

(b) in Regulation 51 by inserting after paragraph 12 the following:

“(13) A person who contravenes paragraphs (1) or (11) commits an offence.”,

(c) in Regulation 57 by substituting for paragraphs (2) to (5) the following:

“(2) A compliance notice shall—

(a) require the person on whom it is served to take such action as specified in the notice,

(b) inform the person on whom it is served that he or she may appeal the notice in the District Court under Regulation 58, and

(c) state that if the person on whom it is served fails to comply with the notice, he or she commits an offence and is liable to the penalty mentioned in Regulation 61(a).

(3) A person to whom a compliance notice is served—

(a) shall comply with it until the notice expires or is annulled under Regulation 58, and

⁵⁰OJ L 342, 16.12.2016, p. 4

⁵¹OJ L 134, 23.5.2017, p. 6

⁵²OJ L 210, 15.8.2017, p. 4

⁵³OJ L 266, 17.10.2017, p. 1

⁵⁴OJ L 333, 15.12.2017, p.29

(b) shall not cause or permit another person to contravene the terms or conditions of the notice.

(4) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(5) A compliance notice may specify a time limit within which the person on whom it is served shall comply with the notice.

(6) A compliance notice may require the owner, occupier, operator or person in charge of any premises, an animal, product, equipment, machinery, vehicle, vessel or other thing to which the Commission Regulation, the Commission Import Regulation, the Council Regulation or these Regulations relate, to choose between two or more of the requirements specified in the notice.

(7) A compliance notice shall include an address for service of an appeal under Regulation 58.

(8) A person on whom a compliance notice is served who fails to comply with, or causes or permits another person to contravene the notice commits an offence.”,

(d) in Regulation 59 (1)(b)(ii) by substituting for “Regulation 57(5)” “Regulation 58(5)”, and

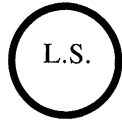
(e) in Regulation 61 by substituting for paragraph (1) and (2) the following:

“61. (1) A person who commits an offence under Regulations 3, 4, 5, 6, 9, 17, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 45, 47, 51, 56 or 57 is liable—

(a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or

(b) on conviction on indictment to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 3 years or to both.

(2) A summary offence under these Regulations may be prosecuted by the Minister.”.



Given under my Official Seal,
31 July 2018.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.

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