



STATUTORY INSTRUMENTS.

S.I. No. 449 of 2016

EUROPEAN UNION (SPECIAL CONDITIONS GOVERNING THE
IMPORT OF CERTAIN FOOD FROM CERTAIN THIRD COUNTRIES
DUE TO CONTAMINATION RISK BY AFLATOXINS) (AMENDMENT)
REGULATIONS 2016

EUROPEAN UNION (SPECIAL CONDITIONS GOVERNING THE IMPORT OF CERTAIN FOOD FROM CERTAIN THIRD COUNTRIES DUE TO CONTAMINATION RISK BY AFLATOXINS) (AMENDMENT) REGULATIONS 2016

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) 2016/24 of 8 January 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 2016.

(2) The Principal Regulations 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 and 2016.

2. In these Regulations “Principal Regulations” means 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).

3. The Principal Regulations are amended—

(a) in Regulation 2(1), 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 January 2016¹,”

(b) in Regulation 7—

(i) by substituting for paragraph (1)(i) the following:

“(i) food business operators shall ensure that—

(I) each consignment, and each individual bag or other form of packaging of the consignment, or

¹OJ No. L 8, 13.1.2016, p. 1.

²OJ No. L 242, 14.8.2014, p. 4.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th August, 2016.

(II) in the case of a consignment in which packaging is combining several small packages or entities, the package combining these small packages or entities,

is identified with a code which corresponds to the identification code on the sampling and analysis results and the health certificate;”,

(ii) by substituting for paragraph (2) the following:

“(2) Paragraph (1) shall not apply to consignments of food—

(a) which are destined to a private person for personal consumption and use only, or

(b) of a gross weight not exceeding 20kg.”, and

(iii) in paragraph (3), by substituting “paragraph (2)(a)” for “paragraph (2)”, and

(c) in Regulation 11, by inserting after paragraph (7) the following paragraph:

“(8) Notwithstanding paragraph (2)(j), (l), (m) and (p), a person who imports a consignment of food referred to in Article 1(1)(i), (j) or (k) of EU Regulation 884/2014 which left the country of origin before 2 February 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,
9 August 2016.

SIMON HARRIS,
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 partial effect to Commission Implementing Regulation (EU) 2016/24 of 8 January 2016 imposing special conditions Governing the import of groundnuts from Brazil, *Capsicum annuum* and nutmeg from India and nutmeg from Indonesia and amending Regulations (EC) No. 669/2009 and (EU) No 884/2014 insofar as it relates to food. They do not give effect to Article 1 of that Regulation.

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 2016.

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