



STATUTORY INSTRUMENTS.

**S.I. No. 553 of 2016**

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EUROPEAN UNION (TEMPORARY SUSPENSION OF IMPORTS  
FROM BANGLADESH OF FOODSTUFFS CONTAINING OR  
CONSISTING OF BETEL LEAVES) REGULATIONS 2016

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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 effect to Commission Implementing Decision 2014/88/EU of 13 February 2014<sup>1</sup> as amended by Commission Implementing Decision (EU) 2016/884 of 1 June 2016<sup>2</sup>, hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the European Union (Temporary Suspension of Imports from Bangladesh of Foodstuffs Containing or Consisting of Betel Leaves) Regulations 2016.

*Cessation*

2. These Regulations cease to have effect on 30 June 2018.

*Interpretation*

3. In these Regulations—

“Act of 1998” means the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998);

“authorised officer” means an authorised officer appointed under section 49 of the Act of 1998;

“Authority” means the Food Safety Authority of Ireland, established under section 9 of the Act of 1998;

“Betel leaves (‘Piper betle’)” includes, but is not limited to, those declared under combined nomenclature (CN) codes 1404 90 00;

“consignment” means an identifiable quantity of foodstuffs containing or consisting of betel leaves (‘Piper betle’) originating in or consigned from Bangladesh, delivered at one time and determined by an authorised officer to be of the same class or description, covered by the same document(s) and conveyed by the same means of transport and coming from the same country or part of such country;

“Decision 2014/88/EU” means Commission Implementing Decision 2014/88/EU of 13 February 2014<sup>1</sup>, as amended by Commission Implementing Decision (EU) 2016/884 of 1 June 2016<sup>2</sup>;

<sup>1</sup>OJ No. L 45, 15.2.2014, p. 34.

<sup>2</sup>OJ No. L 146, 3.6.2016, p. 29.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 11th November, 2016.*

“official agency” means the Health Service Executive, carrying out functions under these Regulations and Decision 2014/88/EU, pursuant to section 48 of the Act of 1998.

*Food legislation*

4. These Regulations shall be deemed to be food legislation for the purposes of the Act of 1998.

*Prohibition on import*

5. A person shall not import a consignment into the State.

*Fees*

6. (1) The Authority and the official agency shall set and charge fees to cover the costs incurred in enforcing these Regulations.

(2) The consignee responsible for the particular consignment, or his or her agent, shall pay the fees set and charged pursuant to paragraph (1).

(3) A fee payable pursuant to this Regulation may be recovered by the Authority or the official agency from the person by whom it is payable as a simple contract debt in a court of competent jurisdiction.

(4) Moneys received under this Regulation shall be paid into, or disposed of for the benefit of, the Exchequer in accordance with the directions of the Minister for Finance.

(5) The Public Offices Fees Act 1879 (42 & 43 Vict. Cap 58) does not apply to a fee charged pursuant to this Regulation.

(6) The Authority or the official agency, as the case may be, may order that a consignment be destroyed, or otherwise disposed of, where a person has failed to pay a fee charged pursuant to this Regulation in relation to said consignment and the Authority or official agency forms the view that the consignment has been abandoned.

*Additional powers of authorised officers*

7. In the course of his or her duties, an authorised officer may require a person to state his or her name and address and, if the authorised officer thinks it necessary, to produce corroborative evidence of same.

*Offences*

8. (1) The offences provided for in these Regulations shall not apply to an authorised officer or to a person acting under such an officer’s express direction, acting in the course of his or her duties pursuant to these Regulations.

(2) A person is guilty of an offence if he or she, by act or omission—

(a) obstructs or interferes with an authorised officer in the exercise of the officer’s powers under these Regulations,

- (b) fails or refuses to state his or her name or address in compliance with a request under these Regulations,
- (c) fails to comply with a request or notice from an authorised officer under these Regulations,
- (d) makes a statement to an authorised officer which the person knows is false or misleading,
- (e) gives, in purported compliance with a request under these Regulations, a name, an address or corroborative evidence which is false or misleading,
- (f) falsely represents himself or herself to be an authorised officer,
- (g) imports a consignment contrary to Regulation 5,
- (h) fails to pay a fee payable pursuant to Regulation 6, or
- (i) has in his or her possession, without lawful authority, a forged document or an altered document, knowing it to be a forged or altered document as the case may be.

(3) Where a body corporate, or a person acting on behalf of a body corporate, commits an offence under these Regulations and the offence is committed with the consent, connivance or approval of, or is attributable to any neglect or default on the part of, any director, manager, secretary or any other officer of such body, or a person purporting to act in any such capacity, such person is also guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) For the purposes of these Regulations, every contravention of a provision of these Regulations shall be deemed a separate contravention and every contravention of a paragraph or a subparagraph of such provision shall also be deemed to be a separate contravention and shall carry the same penalty as for a single contravention of any such provision.

(5) A person who is guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a class A fine or, at the discretion of the court, to imprisonment for a term not exceeding 6 months, or both, or,
- (b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both.

(6) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority or the official agency, as the case may be, the costs and expenses, measured by the court, incurred by the Authority or official agency in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking

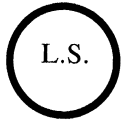
of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisors engaged by the Authority or official agency.

(7) An order for costs and expenses under paragraph (6) is in addition to, and not instead of, any fine or penalty the court may impose under paragraph (5).

*Prosecution of offences*

9. Notwithstanding section 57 of the Act of 1998, a summary offence under these Regulations may be prosecuted by:

- (a) the Authority, or
- (b) the official agency.



GIVEN under my Official Seal,  
3 November 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 effect to Commission Implementing Decision 2014/88/EU of 13 February 2016 suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper Betle'), as amended by Commission Implementing Decision (EU) 2016/884 of 1 June 2016.

These Regulations cease to have effect on 30 June 2018.

These Regulations may be cited as the European Union (Temporary Suspension of Imports from Bangladesh of Foodstuffs Containing or Consisting of Betel Leaves) Regulations 2016.

These Regulations should be read in conjunction with the European Communities (Official Controls on the Import of Food of Non-Animal Origin) Regulations 2010 (S.I. No. 391 of 2010) as some of the general conditions relating to the import of foods of non-animal origin are derived from those Regulations.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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