
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 299

Contaminants in Food Regulations (Northern Ireland) 2003

Modification of Article 29 of the Order (procurement of samples) and analysis of samples

5.—(1) In its application to the taking of a sample of any food specified in sections 1 to 5 of Annex I to the Commission Regulation, Article 29 of the Order shall be modified so as to require the power to take samples under paragraphs (b) and (d) of that Article to be exercised in accordance with the methods of taking samples described or referred to –

- (a) subject to the requirement specified in paragraph (2), in the Annex to Commission Directive [2002/63/EC](#) establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive [79/700/EC](#)(¹), where the food concerned is of a description specified in Section 1 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;
- (b) in Annex I to Directive [98/53/EC](#), where the food concerned is of a description specified in Section 2 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;
- (c) in Annex I to Directive [2002/26/EC](#), where the food concerned is of a description specified in Section 2 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;
- (d) in Annex I to Directive [2001/22/EC](#), where the food concerned is of a description specified in Section 3 or 4 of Annex 1 to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation; and
- (e) in Annex I to Directive [2002/69/EC](#), where the food concerned is of a description specified in Section 5 of Annex 1 to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation.

(2) The requirement is that, in the case of lettuce of the kind specified in point 1.3 or 1.4 of Section 1 of Annex I to the Commission Regulation, the minimum number of units required for each laboratory sample shall be ten.

(3) Where, pursuant to Article 29(b) or (d) of the Order as modified by paragraph (1), an authorised officer has taken a sample of any food of a description to which sub-paragraph (b) of that paragraph applies, and he has submitted that sample to be analysed pursuant to Article 30(1)(a) of the Order, the person who analyses the sample shall ensure that –

- (a) the sample is prepared in accordance with –
 - (i) paragraphs 1.1, 2 and 3 of Annex II to Directive [98/53/EC](#), and
 - (ii) in the case of whole nuts, paragraph 1.2 of that Annex;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which –
 - (i) so far as practicable, comply with paragraphs 1 and 2 of the Annex to Directive [85/591/EEC](#), and

- (ii) meet the criteria specified in paragraph 4.3 of Annex II to Directive 98/53/EC as read with the notes to that paragraph;
 - (c) any analysis is carried out by a laboratory which complies with Directive 93/99/EEC; and
 - (d) the reporting of the results of the analysis of that sample –
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 98/53/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.
- (4) Where, pursuant to Article 29(b) or (d) of the Order as modified by paragraph (1), an authorised officer has taken a sample of food of a description to which sub-paragraph (c) of that paragraph applies, and he has submitted that sample to be analysed pursuant to Article 30(1)(a) of the Order, the person who analyses the sample shall ensure that –
- (a) the sample is prepared in accordance with paragraphs 1 to 3 of Annex II to Directive 2002/26/EC;
 - (b) any analysis of the sample is carried out in accordance with methods of analysis which –
 - (i) comply with paragraphs 1 and 2 of the Annex to Council Directive 85/591/EEC, and
 - (ii) meet the criteria specified in paragraph 4.3 of Annex II to Directive 2002/26/EC as read with the notes to that paragraph;
 - (c) any analysis is carried out by a laboratory which complies with Directive 93/99/EEC; and
 - (d) the reporting of the results of the analysis of that sample –
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 2002/26/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.
- (5) Where, pursuant to Article 29(b) or (d) of the Order as modified by paragraph (1), an authorised officer has taken a sample of food of a description to which sub-paragraph (d) of that paragraph applies, and he has submitted that sample to be analysed pursuant to Article 30(1)(a) of the Order, the person who analyses the sample shall ensure that –
- (a) the sample is prepared in accordance with paragraphs 1 and 2 of Annex II to Directive 2001/22/EC, as read, in the case of paragraph 2, with the note to that paragraph;
 - (b) any analysis of the sample is carried out in accordance with methods of analysis which –
 - (i) so far as practicable, comply with paragraphs 1 and 2 of the Annex to Directive 85/591/EEC,
 - (ii) in the case of analysis for lead (other than in wine), mercury or cadmium, meet the criteria specified in paragraph 3.3.1 of Annex II to Directive 2001/22/EC,
 - (iii) in the case of analysis for lead in wine, comply with the second sub-paragraph of paragraph 3.2 of that Annex, and
 - (iv) in the case of analysis for 3-MCPD, meet the criteria specified in paragraph 3.3.2 of that Annex as read with the note to that paragraph;
 - (c) any analysis of the sample is carried out by a laboratory which complies with Directive 93/99/EEC;
 - (d) any analysis of the sample is carried out in such a way as to comply with the first and second sub-paragraphs of paragraph 3.4 of Annex II to Directive 2001/22/EC, as read in the case of the second sub-paragraph with the note to that sub-paragraph; and
 - (e) the reporting of the results of the analysis of that sample –
 - (i) makes use of the definitions in paragraph 3.1 of Annex II to Directive 2001/22/EC as read with the note to that paragraph, and

(ii) is in accordance with the third sub-paragraph of paragraph 3.4 and with paragraph 3.6 of that Annex.

(6) Where, pursuant to Article 29(b) or (d) of the Order as modified by paragraph (1), an authorised officer has taken a sample of food of a description to which sub-paragraph (e) of that paragraph applies, and he has submitted that sample to be analysed pursuant to Article 30(1)(a) of the Order, the person who analyses the sample shall ensure that –

- (a) the sample is prepared in accordance with paragraph 3 of Annex II to Directive 2002/69/EC, as read with paragraphs 1 and 2 of that Annex;
- (b) any analysis of the sample is carried out –
 - (i) in accordance with methods of analysis which meet the criteria specified in paragraphs 5, 6 and 7 of Annex II to Directive 2002/69/EC, as read with paragraphs 1 and 2 of that Annex, and
 - (ii) by a laboratory which complies with the requirements of paragraph 4 of Annex II to Directive 2002/69/EC; and
- (c) the reporting of the results of the analysis of that sample is in accordance with paragraph 8 of Annex II to Directive 2002/69/EC.