STATUTORY RULES OF NORTHERN IRELAND

2013 No. 122

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2013

Amendment of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998

2.—(1) The Animals and Animal Products (Examination for Residues and Maximum Residues Limits) Regulations (Northern Ireland) 1998(**1**) are amended in accordance with paragraphs (2) to (12).

(2) In regulation 2(1)—

(a) the definition of "Annex IV substance" shall be deleted;

(b) in the definition of "Council Directive 96/22", for the word "replacing" substitute the word "repealing";

(c) the definition of "the Council Regulation" shall be deleted;

(d) in the definition of "maximum residue limit" for "Annex I or Annex III to the Council Regulation in the tissues or body fluids of an animal or in an animal product, the limit specified in the fourth column", substitute "Table 1 in the tissues or body fluids of an animal or in an animal product, the limit (if any) specified in the fourth column";

(e) after the definition of "reference analysis certificate" insert—

> ""Regulation 470/2009" means Regulation (EC) No.470/2009 of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No. 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No. 726/2004 of the European Parliament and of the Council (**2**);
>
> "Regulation 37/2010" means Commission Regulation (EU) No. 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (**3**);";

(f) after the definition of "sale" insert—

> ""Table 1" means Table 1 of the Annex to Regulation 37/2010, and "Table 1 substance" means a substance specified in the first column of Table 1;
>
> "Table 2 substance" means a substance specified in Table 2 of the Annex to Regulation 37/2010;";

(**1**) S.R. 1998 No. 237 as amended by S.R. 2005 No. 451, S.R. 2006 No. 263 and S.R. 2009 No. 298.
(**2**) O.J. No. L152, 16.6.2009, p. 11.
(**3**) O.J. No. L15, 20.1.2010, p. 1.

(g) in the definition of "unauthorised substance"(**4**) for "an Annex IV substance", substitute " a Table 2 substance"; and

(h) in the definition of "unlicensed substance" for "Annex IV substance", substitute "Table 2 substance".

(3) For regulation 2 (2) substitute—

"(2) For the purpose of ascertaining whether the maximum residue limit has been exceeded for the purposes of these Regulations –

(a) the presence of the drug or drug metabolite (or combination thereof) specified in the second column (marker residue) of Table 1 opposite the corresponding entry in the first column (pharmacologically active substance) of that Table shall be taken to indicate the presence of that substance in that part of an animal or batch of animals, or in any animal product derived from that part of an animal or batch of animals, specified in the corresponding entry in the fifth column (target tissues) of that table; and;

(b) the maximum residue limit (if any) specified in the fourth column of that Table in the entry corresponding to that substance shall apply in respect of the presence in such part of an animal or batch of animals, or in any animal product derived from such part of an animal or batch of animals, of any such drug or drug metabolite (or combination thereof) as if it were that substance."

(4) In regulation 2(3) for "the Council Regulation" substitute "Regulation 470/2009"

(5) For regulation 2 (3A)(**5**) substitute the following regulation—

"(3A) Any reference in these Regulations to an Annex to Council Directive 96/22, Council Directive 96/23 or Regulation 37/2010 is a reference to that Annex as amended from time to time."

(6) For regulation 7 substitute—

"**Prohibition of administration of Table 2 substances**

7. It is an offence to contravene Article 14(6) of Regulation 470/2009 (prohibition on administration of substances to food producing animals in certain circumstances)."

(7) For regulation 9(1)(e)(**6**) substitute—

"(e) which contains a Table 1 substance at a concentration exceeding the maximum residue limit; or"

(8) In regulation 15(1), for the words "the analyst shall" to the words "the relevant person", substitute:

"the analyst shall record that information in a primary analysis certificate and provide a copy of that certificate to an authorised officer who shall give this copy to the relevant person."

(9) For regulation 16(2), substitute:

"(2) The analyst shall record the results of the reference analysis in a reference analysis certificate and provide a copy of that certificate to an authorised officer who shall then give this copy to the relevant person."

(10) In regulation 20(1)(a)(**7**) for "a substance listed in Annex I or Annex III to the Council Regulation" substitute "a Table 1 substance".

(**4**) The definition of "unauthorised substance" was substituted by S.R. 2006 No. 263.
(**5**) Regulation 2(3A) was inserted by S.R. 2006 No. 263 as amended by S.R. 2009 No. 298.
(**6**) Regulation 9 was substituted by S.R. 2006 No. 263.
(**7**) Regulation 20 was substituted by S.R. 2006 No. 263.

(11) For regulation 22 (3), substitute —

"(3) Where the examination shows that the animal or batch of animals contains a prohibited substance, an unlicensed substance or a Table 2 substance, the notice shall so declare, shall specify the result of the examination and shall require the owner of the animal or batch of animals to slaughter the animal or batch of animals, or cause it or them to be slaughtered, within such a period and in accordance with such requirements as may be specified in the notice.".

(12) In regulation 34(6) for "Articles 5 and 14 to the Council Regulation" substitute "Articles 14(6) and 16 of Regulation 470/2009".