

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2021 No.0000

AGRICULTURE

FOOD

**The Food and Feed Hygiene and Safety (Miscellaneous
Amendments) Regulations (Northern Ireland) 2021**

Laid before the Assembly in draft

Made - - - - 0th Month 2021

Coming into operation - 0th Month 2021

The Department of Health^(a) makes these Regulations in exercise of the powers conferred by sections 11 and 22 of, and paragraph 11M(1) of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018^(b).

In accordance with paragraph 8F(9) of Part 1A of Schedule 7 to that Act, a draft of these Regulations was laid before and approved by a resolution of the Northern Ireland Assembly.

As required by Article 9 of Regulation (EC) No 178/2002^(c) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food and Feed Hygiene and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 and come into operation on 0th Month 2021.

(2) The Interpretation Act (Northern Ireland) 1954^(d) applies to these Regulations as it applies to an Act of the Assembly.

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (NI) section1(5)

(b) 2018 c. 16, amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1)

(c) OJ L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 2019/1381 of the European Parliament and of the Council on the transparency and sustainability of the EU risk assessment in the food chain (OJ L231, 6.09.2019, p.1-28)

(d) 1954 c.33 (N.I.)

Amendment of the Food Hygiene Regulations (Northern Ireland) 2006

2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006^(a) are amended as follows.

(2) In regulation 2 (Interpretation)—

(a) in paragraph (1)—

(i) omit the definition that begins “Directive 2004/41”;

(ii) for the definition of “the Regulation 2017/625 package” substitute—

““the Regulation 2017/625 package” means Regulation 2017/625 and the other EU Regulations listed in Schedule 1 under the heading “The Regulation 2017/625 package”;;”;

(b) after paragraph (1) insert—

“(1A) Any reference in these Regulations to Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.”.

(3) In regulation 17 (Offences and penalties)—

(a) in paragraph (1) omit “paragraphs (4) and (5)” and substitute “paragraph (4)”;

(b) omit paragraph (5).

(4) Omit regulation 32.

(5) Omit Schedule 2A.

(6) For Schedule 1 (DEFINITIONS OF COMMUNITY LEGISLATION) substitute the Schedule that is set out in Schedule 1 to these Regulations.

Amendment of the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007

3.—(1) The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007^(b) are amended as follows.

(2) In regulation 2 (Interpretation), in paragraph (1), in the definition that begins “Directive 2004/41” omit ““Regulation 2019/624””.

(3) In the Schedule (DEFINITIONS OF EU LEGISLATION) omit the definition of “Regulation 2019/624”.

Amendment of the Official Feed and Food Controls Regulations (Northern Ireland) 2009

4.—(1) The Official Feed and Food Controls Regulations (Northern Ireland) 2009^(c) are amended as follows.

(2) In regulation 2 (Interpretation)—

(a) in paragraph (1)—

(i) omit the definition that begins “Decision 2007/275”;

(ii) for the definition “the Regulation 2017/625 package” substitute—

““the Regulation 2017/625 package” means Regulation 2017/625 and the EU Regulations listed below the heading “The Regulation 2017/625 package” in Schedule 1;”;

(b) after paragraph (1) insert—

“(1A) Any reference in these Regulations to Decisions, Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.”.

(a) S.R. 2006 No.3, last amended by S.R. 2020 No.286

(b) S.R. 2007 No.497, as amended by S.R. 2019 No.220

(c) S.R. 2009 No.427, last amended by S.R. 2020 No.291

(3) In regulation 21 (Interpretation of this Part), in the definition of “product”, for the words from “required” to “border control posts” substitute “listed in Decision 2007/275/EC”.

(4) In regulation 31 (Notices in relation to imports of feed and food from third countries pursuant to the previous regulation), in paragraph (3), for “Article” substitute “Articles”.

(5) In regulation 34 (Costs and fees), in paragraph (2) omit “and (c)”.

(6) In regulation 39(1A) (Offences and penalties), for the wording from “Article 3” to “production of sprouts” substitute “Article 13 of Regulation 2019/625, in so far as it applies to sprouts and seeds intended for the production of sprouts, as read with Article 27 of Regulation 2019/628 and Regulation 2020/2235”.

(7) In Part 4 (RECOVERY OF EXPENSES), at the appropriate place insert—

“Fees or charges arising from unplanned official controls

41A. Fees or charges imposed by a competent authority on an operator pursuant to Article 79(2)(c) of Regulation 2017/625 must be paid by the operator on the written demand of the competent authority.”.

(8) For Schedule 1 (DEFINITIONS OF EU LEGISLATION) substitute the Schedule that is set out in Schedule 2 to these Regulations.

(9) For Schedule 4 (COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FEED LAW) substitute the Schedule that is set out in Schedule 3 to these Regulations.

(10) For Schedule 5 (COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW) substitute the Schedule that is set out in Schedule 4 to these Regulations.

(11) For Schedule 6 (SPECIFIED IMPORT PROVISIONS) substitute the Schedule that is set out in Schedule 5 to these Regulations.

Amendment of the Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016

5. In regulation 19 (Duties to enforce), for “1829/2002” substitute “1829/2003”.

Sealed with the official seal of the Department of Health on 0th Month 2021.



Name
A senior officer of the Department of Health

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF LEGISLATION

“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(a);

“Regulation 178/2002” means Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety as read with Regulation 931/2011 and Regulation 208/2013(b);

“Regulation 852/2004” means Regulation (EC) No.852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as read with Regulation 2073/2005 and Regulation 210/2013(c);

“Regulation 853/2004” means Regulation (EC) No.853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and 2017/185(d);

“Regulation 1688/2005” means Commission Regulation (EC) No.1688/2005 implementing Regulation (EC) No.853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(e);

“Regulation 2073/2005” means Commission Regulation (EC) No.2073/2005 on microbiological criteria for foodstuffs(f);

“Regulation 2074/2005” means Commission Regulation (EC) No.2074/2005 laying down implementing measures for certain products under Regulation (EC) No.853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No.854/2004 of the European Parliament and of the Council and Regulation (EC) No.882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No.852/2004 of the European Parliament and of the Council and amending Regulations (EC) No.853/2004 and (EC) No.854/2004(g);

“Regulation 931/2011” means Commission Implementing Regulation (EU) No.931/2011 on the traceability requirements set by Regulation (EC) No.178/2002 of the European Parliament and of the Council for food of animal origin(h);

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- (a) OJ L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ L195, 2.6.2004, p.12)
- (b) O.J. No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 2019/1381 of the European Parliament and of the Council on the transparency and sustainability of the EU risk assessment in the food chain (O.J. No. L231, 6.09.2019, p.1-28)
- (c) OJ L139, 30.4.2004, p.1. The revised text of Regulation (EC) No.852/2004 is now set out in a Corrigendum (OJ L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ L204, 4.8.2007, p.26)
- (d) OJ L139, 30.4.2004, p.55. The revised text of Regulation (EC) No.853/2004 is now set out in a Corrigendum (OJ L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ L204, 4.8.2007, p.26)
- (e) OJ L271, 15.10.2005, p.17
- (f) OJ L338, 22.12.2005, p.1, as read with the Corrigenda at OJ No.L278, 10.10.2006, p.32 and OJ No.L283, 14.10.2006, p.62
- (g) OJ L338, 22.12.2005, p.27
- (h) OJ L242, 20.9.2011, p.2

“Regulation 1169/2011” means Regulation (EU) No.1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No.1924/2006 and (EC) No.1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No.608/2004(a);

“Regulation 208/2013” means Commission Implementing Regulation (EU) No.208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts(b);

“Regulation 210/2013” means Commission Regulation (EU) No.210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No.852/2004 of the European Parliament and of the Council(c);

“Regulation 579/2014” means Commission Regulation (EU) No.579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No.852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea(d);

“Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat(e);

“Regulation 2017/185” means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No.853/2004 and (EC) No.854/2004 of the European Parliament and of the Council(f);

“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No.999/2001, (EC) No.396/2005, (EC) No.1069/2009, (EC) No.1107/2009, (EU) No.1151/2012, (EU) No.652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No.1/2005 and (EC) No.1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No.854/2004 and (EC) No.882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package(g);

The Regulation 2017/625 package

“Regulation 2019/478” means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts(h);

“Regulation 2019/624” means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(i);

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- (a) OJ L304, 22.11.2011, p.18
 - (b) OJ L68, 12.3.2013, p.16
 - (c) OJ L68, 12.3.2013, p.24
 - (d) OJ L160, 29.5.2014, p.14
 - (e) OJ L212, 11.8.2015, p.7
 - (f) OJ L29, 3.2.2017, p.21
 - (g) OJ L 95, 7.4.2017, p.1
 - (h) OJ L82, 25.3.2019, p.4
 - (i) OJ L131, 17.5.2019, p.1

“Regulation 2019/625” means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption**(a)**;

“Regulation 2019/627” means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No.2074/2005 as regards official controls**(b)**;

“Regulation 2019/628” means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No.2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates**(c)**;

“Regulation 2019/723” means Commission Implementing Regulation (EU) 2019/723 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the standard model form to be used in the annual reports submitted by Member States**(d)**;

“Regulation 2019/1012” means Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts**(e)**;

“Regulation 2019/1013” means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union**(f)**;

“Regulation 2019/1014” means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points**(g)**;

“Regulation 2019/1081” means Commission Delegated Regulation (EU) 2019/1081 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts**(h)**;

“Regulation 2019/1139” means Commission Implementing Regulation (EU) 2019/1139 amending Regulation (EC) No.2074/2005 as regards official controls on food of animal origin in relation to requirements concerning food chain information and fishery products and to the reference to recognised testing methods for marine biotoxins and to testing methods for raw milk and heat-treated cow’s milk **(i)**;

“Regulation 2019/1602” means Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination**(j)**;

“Regulation 2019/1666” means Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments

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- (a) OJ L131, 17.5.2019, p.18
 - (b) OJ L131, 17.5.2019, p.51
 - (c) OJ L131, 17.5.2019, p.101
 - (d) OJ L124, 13.5.2019, p.1
 - (e) OJ L165, 21.6.2019, p.4
 - (f) OJ L165, 21.6.2019, p.8
 - (g) OJ L165, 21.6.2019, p.10
 - (h) OJ L171, 26.6.2019, p.1
 - (i) OJ L180, 4.7.2019, p.12
 - (j) OJ L250, 30.9.2019, p.6

of certain goods from the border control post of arrival to the establishment at the place of destination in the Union(a);

“Regulation 2019/1715” means Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation)(b);

“Regulation 2019/1793” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No.178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No.669/2009, (EU) No.884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660(c);

“Regulation 2019/1873” means Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products(d);

“Regulation 2019/2007” means Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC(e);

“Regulation 2019/2074” means Commission Delegated Regulation (EU) 2019/2074 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country(f);

“Regulation 2019/2122” means Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No.142/2011(g);

“Regulation 2019/2123” means Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts(h);

“Regulation 2019/2124” means Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No.798/2008, (EC) No.1251/2008, (EC) No.119/2009, (EU) No.206/2010, (EU) No.605/2010, (EU) No.142/2011, (EU) No.28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC(i);

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- (a) OJ L255, 4.10.2019, p.1
 - (b) OJ L261, 14.10.2019, p.37
 - (c) OJ L277, 29.10.2019, p.89
 - (d) OJ L289, 8.11.2019, p.50
 - (e) OJ L312, 3.12.2019, p.1
 - (f) OJ L316, 6.12.2019, p.6
 - (g) OJ L321, 12.12.2019, p.45
 - (h) OJ L321, 12.12.2019, p.64
 - (i) OJ L321, 12.12.2019, p.73

“Regulation 2019/2126” means Commission Delegated Regulation (EU) 2019/2126 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts(a);

“Regulation 2019/2129” means Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union(b);

“Regulation 2019/2130” means Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts(c);

“Regulation 2020/466” means Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease(d);

“Regulation 2020/1158” means Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station(e);

“Regulation 2021/405” means Commission Implementing Regulation (EU) 2021/405 laying down the lists of third countries or regions thereof authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(f);

“Regulation 2021/630” means Commission Delegated Regulation (EU) 2021/630 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC(g).”

SCHEDULE 2

Regulation 4(8)

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF LEGISLATION

“Decision 2007/275” means Commission Decision 2007/275/EC concerning lists of composite products to be subject to controls at border control posts(h);

“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(i);

(a) OJ L321, 12.12.2019, p.104

(b) OJ L321, 12.12.2019, p.122

(c) OJ L321, 12.12.2019, p.128

(d) OJ L98, 31.3.2020, p.30

(e) OJ L257, 6.8.2020, p.1

(f) OJ L114, 31.3.2021, p.118

(g) OJ L132, 19.4.2021, p.17

(h) OJ L116, 4.5.2007, p.9

(i) OJ L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ L195, 2.6.2004, p.12)

“Regulation 999/2001” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(a);

“Regulation 178/2002” means Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(b);

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as read with Regulation 2073/2005(c);

“Regulation 853/2004” means Regulation (EC) No.853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as read with Directive 2004/41, Regulation 1688/2005 and Regulation 2074/2005 and Regulation 2017/185(d);

“Regulation 1688/2005” means Commission Regulation (EC) No.1688/2005 implementing Regulation (EC) No.853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(e);

“Regulation 2073/2005” means Commission Regulation (EC) No.2073/2005 on microbiological criteria for foodstuffs(f);

“Regulation 2074/2005” means Commission Regulation (EC) No.2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No.854/2004 of the European Parliament and of the Council and Regulation (EC) No.882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No.852/2004 of the European Parliament and of the Council and amending Regulations (EC) No.853/2004 and (EC) No.854/2004(g);

“Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat(h);

“Regulation 2017/185” means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No.853/2004 and (EC) No.854/2004 of the European Parliament and of the Council(i);

“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No.999/2001, (EC) No.396/2005, (EC) No.1069/2009, (EC) No.1107/2009, (EU) No.1151/2012, (EU) No.652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No.1/2005 and (EC) No.1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision

(a) OJ L157, 30.4.2004, p.33

(b) OJ L31, 1.2.2002, p.1

(c) OJ L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ L204, 4.8.2007, p.26)

(d) OJ L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ L204, 4.8.2007, p.26)

(e) OJ L271, 15.10.2005, p.17

(f) OJ L338, 22.12.2005, p.1 as read with the Corrigenda at OJ L278, 10.10.2006, p.32 and OJ L283, 14.10.2006, p.62

(g) OJ L338, 22.12.2005, p.27

(h) OJ L 212, 11.8.2015, p.7

(i) OJ L29, 3.2.2017, p.21

92/438/EEC as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package(a);

The Regulation 2017/625 package

“Regulation 2019/478” means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts(b);

“Regulation 2019/624” means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(c);

“Regulation 2019/625” means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption(d);

“Regulation 2019/627” means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls(e);

“Regulation 2019/628” means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No. 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates(f);

“Regulation 2019/723” means Commission Implementing Regulation (EU) 2019/723 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the standard model form to be used in the annual reports submitted by Member States(g);

“Regulation 2019/1012” means Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts(h);

“Regulation 2019/1013” means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union(i);

“Regulation 2019/1014” means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points(j);

“Regulation 2019/1081” means Commission Delegated Regulation (EU) 2019/1081 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts(k);

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- (a) OJ L 95, 7.4.2017, p.1
 - (b) OJ L82, 25.3.2019, p.4
 - (c) OJ L131, 17.5.2019, p.1
 - (d) OJ L131, 17.5.2019, p.18
 - (e) OJ L131, 17.5.2019, p.51
 - (f) OJ L131, 17.5.2019, p.101
 - (g) OJ L 124, 13.5.2019, p.1
 - (h) OJ L165, 21.6.2019, p.4
 - (i) OJ L165, 21.6.2019, p.8
 - (j) OJ L165, 21.6.2019, p.10
 - (k) OJ L171, 26.6.2019, p.1

“Regulation 2019/1139” means Commission Implementing Regulation (EU) 2019/1139 amending Regulation (EC) No.2074/2005 as regards official controls on food of animal origin in relation to requirements concerning food chain information and fishery products and to the reference to recognised testing methods for marine biotoxins and to testing methods for raw milk and heat-treated cow’s milk **(a)**;

“Regulation 2019/1602” means Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination**(b)**;

“Regulation 2019/1666” means Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union**(c)**;

“Regulation 2019/1715” means Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation)**(d)**;

“Regulation 2019/1793” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No.178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No.669/2009, (EU) No.884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660**(e)**;

“Regulation 2019/1873” means Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products**(f)**;

“Regulation 2019/2007” means Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC**(g)**;

“Regulation 2019/2074” means Commission Delegated Regulation (EU) 2019/2074 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country**(h)**;

“Regulation 2019/2122” means Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No.142/2011**(i)**;

“Regulation 2019/2123” means Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the

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- (a) OJ L180, 4.7.2019, p.12
 - (b) OJ L250, 30.9.2019, p.6
 - (c) OJ L255, 4.10.2019, p.1
 - (d) OJ L261, 14.10.2019, p.37
 - (e) OJ L277, 29.10.2019, p.89
 - (f) OJ L289, 8.11.2019, p.50
 - (g) OJ L312, 3.12.2019, p.1
 - (h) OJ L316, 6.12.2019, p.6
 - (i) OJ L321, 12.12.2019, p.45

Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts(a);

“Regulation 2019/2124” means Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No.798/2008, (EC) No.1251/2008, (EC) No.119/2009, (EU) No.206/2010, (EU) No.605/2010, (EU) No.142/2011, (EU) No.28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC(b);

“Regulation 2019/2126” means Commission Delegated Regulation (EU) 2019/2126 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts(c);

“Regulation 2019/2129” means Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union(d);

“Regulation 2019/2130” means Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts(e);

“Regulation 2020/466” means Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease(f);

“Regulation 2020/1158” means Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station(g);

“Regulation 2021/405” means Commission Implementing Regulation (EU) 2021/405 laying down the lists of third countries or regions thereof authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(h);

“Regulation 2021/630” means Commission Delegated Regulation (EU) 2021/630 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC(i).”

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- (a) OJ L321, 12.12.2019, p.64
 - (b) OJ L321, 12.12.2019, p.73
 - (c) OJ L321, 12.12.2019, p.104
 - (d) OJ L321, 12.12.2019, p.122
 - (e) OJ L321, 12.12.2019, p.128
 - (f) OJ L98, 31.3.2020, p.30
 - (g) OJ L257, 6.8.2020, p.1
 - (h) OJ L114, 31.3.2021, p.118
 - (i) OJ L132, 19.4.2021, p.17

SCHEDULE 3

Regulation 4(9)

“SCHEDULE 4

Regulation 3(1)

COMPETENT AUTHORITIES FOR THE PURPOSES OF
CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO
FAR AS THEY APPLY IN RELATION TO RELEVANT FEED
LAW

<i>Column 1 Competent authority</i>	<i>Column 2 Provisions of Regulation 2017/625</i>
The Agency	Articles 4, 5(1), (4) and (5), 6, 7, 8, 11, 12, 15, 23(1), 28, 29, 30, 31, 32, 33, 35, 37, 38, 39, 40, 42, 63(4)(a), 65(5), 66(6), 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 91, 93, 96, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 124, 130, 135, 137, 138, 140.
The feed authority	Articles 4, 5(1), (4) and (5), 6, 7, 8, 9, 10, 11, 12, 13, 15, 23(1), 26, 28, 29, 30, 31, 32, 33, 35, 36, 38, 44, 45, 46, 47, 49, 50, 55, 56, 57, 63, 65(1), (2), (3), (4) and (5), 66, 67, 68, 69, 71, 72, 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 96, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 130, 135, 137, 138, 140.”

SCHEDULE 4

Regulation 4(10)

“SCHEDULE 5

Regulation 3(2)

COMPETENT AUTHORITIES FOR THE PURPOSES OF
CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO
FAR AS THEY APPLY IN RELATION TO RELEVANT FOOD
LAW

<i>Column 1 Competent authority</i>	<i>Column 2 Provisions of Regulation 2017/625</i>
The Agency	Articles 4, 5(1), (2) (4) and (5), 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19(1), 20(1) 21, 23 (1), 26, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 44, 45, 46, 47, 49, 50, 55, 56, 57(3), 63, 65(5), 66(6), 68, 69, 71, 72, 73, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 91, 93, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 119, 124, 130, 132, 133, 135, 137, 138, 140, 148, 150.
District Councils	Articles 4(2), 5(1), (4) and (5), 6, 7, 8, 9, 10,

	11, 12, 13, 15, 18, 19(1), 20(1), 21, 23 (1), 26, 28, 29, 30, 31, 32, 33, 35, 36, 38, 44, 45, 46, 47, 49, 50, 55, 56, 57, 63, 65(1), (2), (3), (4) and (5), 66, 67, 68, 69, 71, 72, 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 96, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 130, 132, 133, 135, 137, 138, 140, 148, 150.”
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SCHEDULE 5

Regulation 4(11)

“SCHEDULE 6

Regulations 21 and 39(1)(a)

SPECIFIED IMPORT PROVISIONS

<i>Column 1</i> <i>Provisions of legislation</i>	<i>Column 2</i> <i>Requirement</i>
Article 69(1) of Regulation 2017/625	Requirement that the operator responsible for the consignment is to carry out all the measures ordered by the competent authorities.
Article 1 of Regulation 2019/1013	Requirement that the operator responsible for a consignment give prior notification to the competent authority of the border control post, at least one working day before the expected arrival of the consignment.
Article 3 of Regulation 2019/1602	Requirement that a Common Health Entry Document (CHED) is to accompany each consignment irrespective of whether or not it is split at the border control post or subsequent to leaving the border control post.
Article 4(a) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies the consignment to the place of destination and until it is released into free circulation.
Article 4(b) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and is to keep a copy of the CHED at the disposal of the customs authorities.
Article 5(1)(a) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, when giving prior notification, the operator responsible for the consignment is to declare the border control post as the place of destination in the CHED for the entire consignment.
Article 5(1)(b) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, upon finalisation

	of the CHED for the entire consignment, the operator responsible for the consignment is to request that the consignment be split and is to submit, through the IMSOC a CHED for each part of the split consignment and make a declaration.
Article 5(1)(d) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to ensure that a copy of the CHED for each part of the split consignment accompanies the relevant part to the place of destination and until it is released into free circulation.
Article 5(1)(e) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 5(2)(a) of Regulation 2019/1602	Requirement that where a non-compliant consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to submit a CHED for each part of the split consignment and make a declaration.
Article 6(a) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies each part of the split consignment until it is released for free circulation.
Article 6(b) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 3(1) of Regulation 2019/1666	Requirement that the operator responsible for the consignment is to, within one day upon arrival of the consignment, inform the competent authority responsible for performing the official controls at the establishment at the place of destination of the arrival of the consignment.
Article 6(1) of Regulation 2019/2123	Requirement that after the competent authorities of the border control post have authorised or decided on the transfer of the consignment to the control point indicated in the CHED, the operator responsible for the

	consignment shall not present the consignment for identity and physical checks to a control point different from the one indicated in the CHED, unless the competent authorities of the border control post authorise the transfer of the consignment to another control point in accordance with point (a) of Article 3(1) and point (a) of Article 4(2).
Article 6(4) of Regulation 2019/2123	Requirement that the operator shall provide the reference number of the finalised CHED referred to in Article 6(3) in the customs declaration which is lodged for the consignment with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities.
Article 6(1) of Regulation 2019/2124	Requirement that the operator responsible for the consignments authorised for onward transportation in accordance with Article 4 ensures that: (a) during transport to, and storage at, the onward transportation facility, the consignment is not tampered with in any manner; (b) the consignment is not subject to any alteration, processing, substitution or change of packaging; (c) the consignment does not leave the onward transportation facility pending the decision on the consignment being taken by the competent authorities of the border control post in accordance with Article 55 of Regulation (EU) 2017/625.
Article 6(2) of Regulation 2019/2124	Requirement that the operator responsible for the consignment shall transport the consignment under customs supervision directly from the border control post to the onward transportation facility, without the goods being unloaded during transport, and shall store it in the onward transportation facility.
Article 6(4) of Regulation 2019/2124	Requirement that the operator responsible for the consignment shall ensure that a copy, on paper or in electronic form, of the CHED referred to in Article 3 accompanies the consignment from the border control post to the onward transportation facility.
Article 6(5) of Regulation 2019/2124	Requirement that the operator responsible for the consignment notifies the competent authorities at the place of final destination of the arrival of consignment at the onward transportation facility.
Article 6(6) of Regulation 2019/2124	Requirement that after the competent authorities of the border control post have authorised the onward transportation of the consignment to the onward transportation facility, the operator responsible for the consignment shall not transport the consignment to a onward transportation facility that is different from the one indicated in the

	CHED, unless the competent authorities of the border control post authorise the change in accordance with Article 4 and provided that the conditions laid down in paragraphs 1 to 5 of Article 6 are complied with.”
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

The Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No.3);

The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007 (S.R. 2007 No.497);

The Official Feed and Food Controls Regulations (Northern Ireland) 2009 (S.R. 2009 No.427);

The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016 (S.R. 2016 No.4).

Regulation 2 amends the Food Hygiene Regulations (Northern Ireland) 2006 to insert a revised Schedule (*regulation 2(6)*), to refer to recent EU legislation (*regulation 2(2)(b) and (3)*) and revise the definition of the Regulation 2017/625 package to refer to recent EU legislation (*regulation 2(2)(a)(ii)*).

Regulation 3 amends the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007 to correct a minor drafting error.

Regulation 4 amends the Official Feed and Food Controls Regulations (Northern Ireland) 2009 to insert revised Schedules 1 and 6 (*regulation 4(8) and (11)*), refer to recent EU legislation (*regulation 4(2)(a) and (b)*), revise the provision regarding offences in relation to certification arrangements for sprouts and seeds intended for the production of sprouts to refer to recent EU legislation (*regulation 4(6)*), ensure charges and fees can be imposed on an operator by a competent authority in respect of unplanned official controls, and make consequential provision as a result (*regulation 4(7)*) and insert revised Schedules 4 and 5 to update the competent authority designations for the purpose of Regulation (EU) 2017/625 (*regulation 4(9) and (10)*).

Regulation 5 amends the Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016 (S.R. 2016 No.4) by correcting a typographical error in regulation 19 in reference to Regulation (EC) No 1829/2003.

A full impact assessment of the effect that these Regulations will have on the costs to business and food authorities is available with these Regulations at www.legislation.gov.uk.

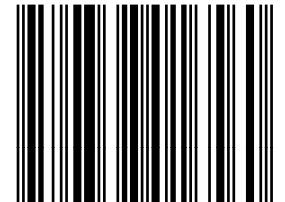
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