

**EXPLANATORY MEMORANDUM TO**  
**THE FOOD HYGIENE AND OFFICIAL FEED AND FOOD (AMENDMENT)**  
**REGULATIONS (NORTHERN IRELAND) 2014**

**2014 No. 286**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Health Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule (SR) is made under the powers conferred on it by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The rule is due to come into operation on 13 December 2014.

**2. Purpose**

- 2.1 The proposed Regulations will give effect in Northern Ireland to three recent European Union Regulations. These, respectively, introduce a derogation in relation to the importation certificate required for seeds intended for the production of sprouts, amend the list of previous cargoes allowed for vessels transporting liquid oils and fats by sea, and revoke the requirements for the special health mark and restrictions where meat derived from animals that have undergone emergency slaughter can be sold.

**3. Legislative Background**

- 3.1 Harmonised European legislation controls the safety and hygiene of food. EU Regulations are directly applicable in all EU Member States. Therefore, the national legislation in these areas for the most part only covers the enforcement provisions for the relevant European Regulations i.e. designating enforcement authorities, identifying which provisions of those Regulations should, if breached, constitute an offence or attract an improvement notice and specifying penalties on conviction for offences.
- 3.2 The European Commission has introduced three new Regulations which require national legislation to be introduced to provide for enforcement of the measures in Northern Ireland. Articles 2 and 3 of the proposed regulations make amendments to the Food Hygiene Regulations (Northern Ireland) 2006 and the Official Feed and Food Control Regulations (Northern Ireland) 2009 for this purpose.

**4. Matters of special interest to the Health Committee**

- 4.1 None.

## **5. Policy background**

- 5.1 EU Regulations are directly applicable in EU Member States which are obliged under both Treaty obligations and the legislation itself to provide, by way of domestic measures, for their enforcement. This Statutory Rule (SR) provides the domestic measures for three EU Regulations.
- 5.2 Regulation (EU) No 579/2014 updates a list (introduced by way of an earlier derogation) of previous cargoes which sea-going vessels transporting liquid oils and fats can carry.
- 5.3 From 1 June 2014, Regulation (EU) No 218/2014 removed a restriction on the marketing of meat from animals slaughtered outside of an approved slaughterhouse ('emergency slaughter meat'). The restriction meant that emergency slaughter meat could not be marketed outside the Member State in which it was slaughtered and had to be specially health marked. The removal of this restriction means that, provided the meat has successfully passed veterinary inspection, the meat can be marketed throughout the European Union and to third countries and it no longer is required to carry the special health mark.
- 5.4 The SR will also introduce the derogation contained in Regulation (EU) No 704/2012 which allows EU producers to import seeds intended for the production of sprouts for human consumption from third countries which are unable to provide a signed health attestation. This attestation is required on the import certificate to certify that seeds have been produced in accordance to the general food hygiene requirements contained in Regulation (EC) No 852/2004. Since the introduction of the requirements for health certificates for imports of seeds, certain third countries have had difficulties in providing the certification. In order to facilitate the continuation of trade whilst maintaining the highest level of consumer protection, the derogation allows third countries exporting seeds intended for the production of sprouts to the EU to provide evidence of microbiological testing for Enterobacteriaceae to verify hygiene conditions of production in situations where the official attestation that seeds have been produced in compliance with Regulation (EC) No 852/2004 cannot be supplied. The results of the microbiological tests must not exceed 1000 cfu/g. This derogation will be in place until 1 July 2015.

## **6. Consultation**

- 6.1 A formal public consultation on the Food Hygiene and Official Feed and Food (Amendment) Regulations (Northern Ireland) 2014 was held from the 18 August 2014 to 15 September 2014. This was a shortened (4 weeks) consultation as there have been on-going discussions with stakeholders during the negotiation of the relevant EU measures. No responses were received to the consultation in Northern Ireland.

## **7. Position in Great Britain**

7.1 These Regulations apply in relation to Northern Ireland only and will come into operation on 13 December 2014. Separate but parallel legislation is been made in England, Scotland and Wales.

## **8. Equality Impact**

8.1 There is no impact on equality of opportunity in relation to enforcement of this Statutory Rule.

## **9. Guidance**

9.1 No specific guidance has been prepared to accompany this SR.

## **10. Financial Implications**

10.1 An impact assessment was prepared by colleagues in England for the emergency slaughter aspect of the SR and believed to be representative of the position in NI.

It has been agreed that an impact assessment would not be required for the import of seeds measure as there would only be indirect impact on the UK industry.

The measure in relation to transport of liquid oils and fats by sea updates a list contained in a previous derogation so an impact assessment would not be required

## **11. Monitoring & review**

11.1 The FSA will work with Enforcement Authorities and Port Health Authorities where problems arise or suspected infringements of the legislation arise. The effectiveness of the measures provided for by the rule will be also be monitored via general feedback from industry and Enforcement Authorities.

## **12. Contact**

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