



STATUTORY INSTRUMENTS.

S.I. No. 328 of 2022

EUROPEAN UNION (OFFICIAL CONTROLS IN RELATION TO FOOD
LEGISLATION) (IMPORTS OF FOOD OF NON-ANIMAL ORIGIN)
(AMENDMENT) (NO. 3) REGULATIONS 2022

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I, STEPHEN DONNELLY, 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 further effect to Commission Implementing Regulation (EU) 2022/913 of 30 May 2022¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 3) Regulations 2022.

(2) The Principal Regulations, the Regulations of 2021, the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 2) Regulations 2021 (S.I. No. 638 of 2021), the Regulations of 2022 and these Regulations may be cited together as the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) Regulations 2020 to 2022.

2. In these Regulations –

“Principal Regulations” means the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) Regulations 2020 (S.I. No. 575 of 2020);

“Regulations of 2021” means the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) Regulations 2021 (S.I. No. 244 of 2021);

“Regulations of 2022” means the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 2) Regulations 2022 (S.I. No. 9 of 2022).

3. Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2022) of the Principal Regulations is amended—

(a) by substituting for the definition of “Annex I to EU Regulation 2019/1793” the following:

“Annex I to EU Regulation 2019/1793” means Annex I to Commission Implementing Regulation (EU) 2019/1793 of 22

¹ OJ No. L 158, 13.6.2022, p. 1.

October 2019² as amended by Commission Implementing Regulation (EU) 2022/913 of 30 May 2022¹;”,

- (b) by substituting for the definition of “Annex II to EU Regulation 2019/1793” the following:

““Annex II to EU Regulation 2019/1793’ means Annex II to Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019² as amended by Commission Implementing Regulation (EU) 2022/913 of 30 May 2022¹;”, and

- (c) by substituting for the definition of “EU Regulation 2019/1793” the following:

““EU Regulation 2019/1793’ means Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019² as amended by Commission Implementing Regulation (EU) 2020/625 of 6 May 2020³, Commission Implementing Regulation (EU) 2020/1540 of 22 October 2020⁴, Commission Implementing Regulation (EU) 2021/608 of 14 April 2021⁵, Commission Implementing Regulation (EU) 2021/1900 of 27 October 2021⁶, Commission Implementing Regulation (EU) 2021/2246 of 15 December 2021⁷ and Commission Implementing Regulation (EU) 2022/913 of 30 May 2022¹;”.

4. Regulation 8 (as amended by Regulation 4 of the Regulations of 2021) of the Principal Regulations is amended—

- (a) in paragraph (1), by substituting “paragraphs (2) to (7)” for “paragraphs (2) to (5)”, and
- (b) by substituting for paragraphs (2), (3), (4) and (5) the following paragraphs:

“(2) Paragraph (1) shall not apply to the following categories of consignments of products, unless their net weight exceeds 5 kg of fresh products or 2 kg of other products:

- (a) consignments which form part of passengers’ personal luggage and are intended for personal consumption or use; and
- (b) non-commercial consignments sent to natural persons, which are not intended to be placed on the market.

(3) Paragraph (1) shall not apply to the following categories of consignments of products, unless their net weight exceeds 50 kg of fresh products or 10 kg of other products:

² OJ No. L 277, 29.10.2019, p. 89.

³ OJ No. L 144, 7.5.2020, p. 13.

⁴ OJ No. L 353, 23.10.2020, p. 4.

⁵ OJ No. L 129, 15.4.2021, p. 119.

⁶ OJ No. L 387, 3.11.2021, p. 78.

⁷ OJ No. L 453, 17.12.2021, p. 5.

(a) consignments sent as trade samples, laboratory samples or as display items for exhibitions, which are not intended to be placed on the market; and

(b) consignments intended for scientific purposes.

(4) Paragraph (1) shall not apply to food of non-animal origin on board means of transport operating internationally, which is not unloaded and is intended for consumption by the crew and passengers.

(5) In case of doubt on the intended use of a consignment of products referred to in paragraph (2), the burden of proof shall lie on the owner of the personal luggage and with the recipient of the consignment, respectively.

(6) The official agency may exempt from identity and physical checks, including sampling and laboratory analyses, in accordance with EU Regulation 2019/1793 consignments of food of non-animal origin sent as trade samples, laboratory samples, display items for exhibitions and consignments of food intended for scientific purposes, which exceed the weight limits provided for in paragraph (3), and are not intended to be placed on the market, provided that:

(a) they are accompanied by an authorisation for introduction into the European Economic Area issued in advance by the competent authority of the Member State of destination and which provides—

- (i) the purpose for introduction into the European Economic Area,
- (ii) the place of destination, and
- (iii) guarantees that the consignments will not be placed on the market as food;

(b) the operator presents the consignments at the border control post of entry into the State; and

(c) the official agency informs the competent authority of the Member State of destination, through the IMSOC, about the introduction of the consignments.

(7) Paragraph (1) shall not apply to food of non-animal origin imported from third countries and subjected to an increased level of official controls under EU Regulation 2019/1793 where the hazard is the presence of pesticides only.”.

5. Regulation 20(4) (as amended by Regulation 6 of the Regulations of 2021) of the Principal Regulations is amended by inserting after paragraph (m) the following paragraph:

“(n) places on the market a consignment of food of non-animal origin granted an exemption from identity and physical checks pursuant to Regulation 8(6),”.

6. The Principal Regulations are amended by substituting for Regulation 24 (as amended by Regulation 4 of the Regulations of 2022) the following:

“Transitional provision

24. Notwithstanding the provisions of Regulation 20(4), an operator is not guilty of an offence where he or she imports into the State from a third country a consignment of palm oil from Ghana without complying with the requirement in Regulation 8(1)(m)(ii)(II) or (IV), before 4 September 2022.”.

GIVEN under my Official Seal,
4 July, 2022.

STEPHEN DONNELLY,
Minister for Health.

L.S.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations give further effect to Commission Implementing Regulation (EU) 2022/913 of 30 May 2022 amending 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.

These Regulations amend the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) Regulations 2020 (S.I. No. 575 of 2020) in the manner specified in these Regulations.

These Regulations may be cited as the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 3) Regulations 2022.

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