



STATUTORY INSTRUMENTS.

S.I. No. 549 of 2024

EUROPEAN UNION (OFFICIAL CONTROLS IN RELATION TO FOOD
LEGISLATION) (IMPORTS OF FOOD OF NON-ANIMAL ORIGIN)
(AMENDMENT) (NO. 3) REGULATIONS 2024

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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) 2015/949 of 19 June 2015¹ as amended by Commission Implementing Regulation (EU) 2017/1269 of 13 July 2017², 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 2024.

(2) The citation “the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) Regulations 2020 to 2024” includes these Regulations.

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 2022” means the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 3) Regulations 2022 (S.I. No. 328 of 2022);

“Regulations of 2024” means the European Union (Official Controls in relation to Food Legislation) (Imports of Food of Non-Animal Origin) (Amendment) (No. 2) Regulations 2024 (S.I. No. 310 of 2024).

3. Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2024) of the Principal Regulations is amended by inserting after the definition of “consignment” the following definition:

“EU Regulation 2015/949” means Commission Implementing Regulation (EU) 2015/949 of 19 June 2015¹ as amended by Commission Implementing Regulation (EU) 2017/1269 of 13 July 2017²;”.

¹ OJ No. L 156, 20.6.2015, p. 2.

² OJ No. L 183, 14.7.2017, p. 9.

4. The Principal Regulations are amended by substituting for Regulation 3 the following:

“3. These Regulations, EU Regulation 2015/949, the Official Controls Regulation, EU Regulation 2019/1013, EU Regulation 2019/1014, EU Regulation 2019/1602, EU Regulation 2019/1793, EU Regulation 2019/2130 and the IMSOC Regulation shall be deemed to be food legislation for the purposes of the Act of 1998.”.

5. Regulation 4(1) of the Principal Regulations is amended by substituting for subparagraph (a) the following:

“(a) EU Regulation 2015/949, Chapter V of Title II of the Official Controls Regulation, EU Regulation 2019/1013, EU Regulation 2019/1014, EU Regulation 2019/1602, EU Regulation 2019/1793 and EU Regulation 2019/2130 is the Authority or the official agency, or both, as appropriate.”.

6. The Principal Regulations are amended by substituting for Regulation 7 the following:

“7. The Authority or the official agency, as the case may be, shall carry out official controls on food of non-animal origin entering into the State from a third country, in accordance with EU Regulation 2015/949, Chapter V of Title II of the Official Controls Regulation, EU Regulation 2019/1013, EU Regulation 2019/1014, EU Regulation 2019/1602, EU Regulation 2019/1793 and EU Regulation 2019/2130.”.

7. Regulation 8 (as amended by Regulation 4 of the Regulations of 2022) of the Principal Regulations is amended by inserting after paragraph (7) the following paragraph:

“(8) In the case of a consignment of food of non-animal origin which is listed in Annex I to EU Regulation 2015/949 and availing of pre-export checks approved by such Regulation, the operator responsible for the consignment shall ensure that—

- (a) the consignment is accompanied by a report referred to in Article 2(1)(a) of EU Regulation 2015/949 containing the results of sampling and analysis performed in accordance with the provisions of Commission Regulation (EC) No. 401/2006 of 23 February 2006³, or with equivalent requirements, by a laboratory approved for that purpose by the Canadian Grain Commission or the United States Department of Agriculture, as appropriate;
- (b) the consignment is accompanied by a certificate referred to in Article 2(1)(b) of EU Regulation 2015/949, issued within the previous four month period and completed, verified and signed by a representative of the Canadian Grain Commission or the United States Department of Agriculture, as appropriate;

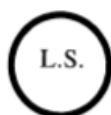
³ OJ No. L 70, 9.3.2006, p. 12.

- (c) the consignment is identified with an identification code which corresponds to the identification code on the report and the certificate referred to in subparagraphs (a) and (b) respectively;
- (d) each individual bag, or other packaging form, or packaging combining several individual entities into one package, of the consignment is identified with the identification code referred to in subparagraph (c);
- (e) if the consignment is split, each part of the consignment is accompanied by a copy of the certificate referred to in paragraph (a) which has been certified by the competent authority of the Member State on whose territory the splitting has taken place until it is released for free circulation.”.

8. Regulation 20(4) (as amended by Regulation 5 of the Regulations of 2022) of the Principal Regulations is amended by inserting after subparagraph (m) the following subparagraph:

“(mm) imports a consignment of food of non-animal origin listed in Annex I to EU Regulation 2015/949 and availing of pre-export checks approved by such Regulation, but fails to ensure that—

- (i) the consignment is accompanied by a report which is in accordance with Regulation 8(8)(a) and Article 2(1)(a) of EU Regulation 2015/949,
- (ii) the consignment is accompanied by a certificate which is in accordance with Regulation 8(8)(b) and Article 2(1)(b) of EU Regulation 2015/949,
- (iii) the consignment is identified with an identification code in accordance with Regulation 8(8)(c) and Article 2(2) of EU Regulation 2015/949,
- (iv) each individual bag, or other packaging form, or packaging combining several individual entities into one package, of the consignment is identified in accordance with Regulation 8(8)(d) and Article 2(2) of EU Regulation 2015/949, or
- (v) where the consignment is split, each part of the consignment is accompanied by a copy certificate in accordance with Regulation 8(8)(e) and Article 3 of EU Regulation 2015/949.”.



GIVEN under my Official Seal,
16 October, 2024.

STEPHEN DONNELLY,
Minister for Health.

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) 2015/949 of 19 June 2015 as amended by Commission Implementing Regulation (EU) 2017/1269 of 13 July 2017 approving pre-export checks carried out on certain food by certain third countries as regards to the presence of certain mycotoxins 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 2024.

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