

2003 No. 361

FOOD

**Food (Peanuts from China) (Emergency Control)
(Amendment) Regulations (Northern Ireland) 2003**

Made - - - - - *31st July 2003*

Coming into operation *1st August 2003*

The Department of Health, Social Services and Public Safety, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food (Peanuts from China) (Emergency Control) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 1st August 2003.

Amendment to the Food (Peanuts from China) (Emergency Control) Regulations (Northern Ireland) 2002

2.—(1) The Food (Peanuts from China) (Emergency Control) Regulations (Northern Ireland) 2002(c) shall be amended in accordance with paragraphs 2 and 3.

(2) In regulation 2 (interpretation), for the definition of “the Commission Decision” there shall be substituted –

“ “the Commission Decision” means Commission Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived thereof originating in or consigned from China(d) as amended by Commission Decision 2002/233/EC(e), Commission Decision 2002/678/EC(f) and Commission Decision 2003/550/EC(g).”.

(3) In regulation 4 (enforcement), for paragraph (3) there shall be substituted –

“(3) The requirements are those specified in –

- (a) Article 1.4 of the Commission Decision (which is concerned with documentary checks relating to consignments of controlled Chinese peanuts);
- (b) Article 1.5 and 6 of that Decision (which is concerned with the sampling and analysis of such consignments), other than the requirement under Article 1.5 to supply the Commission with specified information; and

(a) S.I. 2000/2812
(b) 1972 c. 68
(c) S.R. 2002 No. 293
(d) O.J. No. L34, 5.2.2002, p. 21
(e) O.J. No. L78, 21.3.2002, p. 14
(f) O.J. No. L229, 27.8.2002, p. 33
(g) O.J. No. L187, 26.7.2003, p. 39

(c) Article 1.7 of that Decision (which is concerned with the case where consignments are split).”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 1st August 2003.

(L.S.)

D. Kenny

A Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Food (Peanuts from China) (Emergency Control) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 293).

S.R. 2002 No. 293 implements Commission Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China (O.J. No. L34, 5.2.2002, p. 26) as amended by Commission Decision 2002/233/EC (O.J. No. L78, 21.3.2002, p. 14) and Commission Decision 2002/678/EC (O.J. No. L229, 27.8.2002).

The effect of the amendment made by these Regulations is that S.R. 2002 No. 293 now implements Commission Decision 2002/79/EC as now also amended by Commission Decision 2003/550/EC (O.J. No. L187, 26.7.2003, p. 39). The categories of products which are subject to the special import conditions referred to above are specified in Article 1(1) of Commission Decision 2002/79/EC.

The principal changes effected by these Regulations are that –

- (a) the definition of “the Commission Decision” in regulation 2 of S.R. 2002 No. 293 is updated to reflect the amendment made to it by Commission Decision 2003/550/EC;
- (b) the previous requirement that consignments of controlled Chinese products be subjected to random sampling and analysis to ensure compliance with Commission Decision 2002/80, as amended, is modified by providing that –
 - (i) sampling and analysis in relation to aflatoxin B1 and total aflatoxin shall be undertaken in respect of consignments of Chinese peanuts and certain products derived thereof,
 - (ii) the period of detention for the purpose of random sampling and analysis must not exceed 15 working days, and

each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

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