

2003 No. 363

FOOD

**Food (Figs, Hazelnuts and Pistachios from Turkey)
(Emergency Control No. 2) (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 (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control No. 2) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 1st August 2003.

Amendment to the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control No. 2) Regulations (Northern Ireland) 2002

2.—(1) The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control No. 2) Regulations (Northern Ireland) 2002(c) shall be amended in accordance with paragraphs (2) and (3).

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

“the Commission Decision” means Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey(d) as amended by Commission Decision 2002/233/EC(e), Commission Decision 2002/679/EC(f) and Commission Decision 2003/552/EC(g).”.

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

“(3) The requirements are those specified in –

(a) S.I. 2000/2812
(b) 1972 c. 68
(c) S.R. 2002 No. 307
(d) O.J. No. L34, 5.2.2002, p. 26
(e) O.J. No. L78, 31.3.2002, p. 14
(f) O.J. No. L229, 27.8.2002, p. 37
(g) O.J. No. L187, 26.7.2003, p. 47

- (a) Article 1.4 of the Commission Decision (which is concerned with documentary checks relating to consignments of controlled Turkish products);
- (b) Article 1.5 and 1.6 of that Decision (which provisions are concerned with the sampling and analysis of such consignments), other than the requirements under Article 1.5 to supply the Commission with specified information; and
- (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 31st July 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, which amend the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control No. 2) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 3 07), update the definition of “the Commission Decision”.

S.R. 2002 No. 307 implements Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey (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 2002/679/EC (O.J. No. L229, 27.8.2002, p. 37).

The effect of the amendment made by these Regulations is that S.R. 2002/307 now implements Commission Decision 2002/80/E.C. as now also amended by Commission Decision 2003/552/EC (O.J. No. L187, 26.7.2003, p. 47). The categories of products which are subject to the special import conditions referred to above are specified in Article 1(1) of Commission Decision 2002/80/EC as amended by Commission Decision 2002/679/EC and Commission Decision 2003/552/EC.

The principal changes effected by these Regulations are that –

- (a) the definition of “the Commission Decision” in regulation 2 of S.R. 2002/307 is updated to reflect the amendment made to it by Commission Decision 2003/552/EC;
- (b) the previous requirement that consignments of controlled Turkish 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 dried figs, hazelnuts and pistachios 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
 - (iii) each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

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