

Statutory Instruments.

S.I. No. 243 of 2005.

**EUROPEAN COMMUNITIES (ANIMAL NUTRITION
INSPECTIONS) (AMENDMENT) REGULATIONS 2005**

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European Communities (Animal Nutrition Inspections) (Amendment) Regulations 2005

I, Mary Coughlan, Minister for Agriculture and Food, 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 effect to Council Directive 95/53/EC of 25 October 1995¹, as amended by Council Directive 1999/20/EC of 22 March 1999², Directive 2000/77/EC of the European Parliament and of the Council of 14 December 2000³ and Directive 2001/46/EC of the European Parliament and of the Council of 23 July 2001⁴, Commission Directive 98/68/EC of 10 September 1998⁵ and for the purpose of giving further effect to Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001⁶, as amended by Commission Regulation (EC) No. 1234/2003 of 10 July 2003⁷ hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Animal Nutrition Inspections) (Amendment) Regulations 2005
(2) The European Communities (Animal Nutrition Inspections) Regulations 2003 (S.I. 238 of 2003) and these Regulations may be cited collectively as the European Communities (Animal Nutrition Inspections) Regulations 2003 and 2005
2. The European Communities (Animal Nutrition Inspections) Regulations 2003 are amended –
 - (a) in Regulation 2(1) by substituting for the definition of “inspections” the following definition:

“‘inspections’ means –

 - (a) actions set out in Regulation 4(2) to check, pursuant to the Directive, compliance with -
 - (i) Council Directive 70/524/EEC of 23 November 1970⁸,
 - (ii) Council Directive 79/373/EEC of 2 April 1979⁹,
 - (iii) Council Directive 82/471/EEC of 30 June 1982¹⁰,
 - (iv) Council Directive 93/74/EEC of 13 September 1993¹¹,

¹ O.J. No 265, 8.11.1995, p.17.

² O.J. No 80, 25.3.1999, p.20.

³ O.J. No. L333, 29.12.2000, p.81.

⁴ O.J. No. L234, 1.9.2001, p.55.

⁵ O.J. No 261, 24.9.1998, p.32.

⁶ O.J. No 147, 31.5.2001, p.1.

⁷ O.J. No 173, 11.7.2003, p.6.

⁸ O.J. No. L270, 14.12.1970, p.1.

⁹ O.J. No. L86, 6.4.1979, p.30.

¹⁰ O.J. No. L 213, 21.7.1982, p.8.

¹¹ O.J. No. L237, 22.9.1993, p.23.

- (v) Council Directive 96/25/EC of 29 April 1996¹²,
- (vi) Council Directive 1999/29/EC of 22 April 1999¹³, and
- (vii) any other rules in the field of animal nutrition in which provision is made for official inspections to be carried out in accordance with the provisions of the Directive,

and

- (b) documentary and physical checks pursuant to Annex IV.3.II.E to Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001⁶, as amended by Commission Regulation (EC) No. 1234/2003 of 10 July 2003⁷,”

and

- (b) by substituting for Regulations 7 and 8 the following:

“Where imported product does not comply with statutory provisions

7.(1) Subject to paragraph (2), where an imported product does not comply with a provision listed in the definition of inspections, the Minister shall –

- (a) prohibit its entry into or marketing in the State, or
- (b) order its re-dispatch out of the Community territory,

and immediately inform the Commission and other Member States that he or she has rejected the product and indicate the infringements found.

(2) Where an imported product does not comply with a provision listed in the definition of inspections, the Minister may authorise entry of a product where the product is –

- (a) brought into compliance in a manner approved by the Minister,
- (b) decontaminated in a manner approved by the Minister,
- (c) processed in a manner approved by the Minister,
- (d) used, with the agreement of the Minister, for another purpose, or
- (e) destroyed in accordance with the Minister’s instructions.

Compliance with directions relating to imported product

8. An importer of a product to which Regulation 7 applies shall comply with the directions of the Minister issued pursuant to these Regulations and shall be liable for any expenses incurred in complying with those directions.”.

¹² O.J. No. L125, 23.5.1996, p.23.

¹³ O.J. No. L115, 4.5.1999, p.32.

L.S.

GIVEN under my Official Seal,
12th May 2005

Mary Coughlan
Minister for Agriculture and Food

Explanatory Note

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

These Regulations give effect to Council Directive 95/53/EC as amended. They lay down conditions and arrangements for official inspections in the field of animal nutrition.

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