STATUTORY RULES OF NORTHERN IRELAND

2020 No. 286

EXITING THE EUROPEAN UNION

FOOD

The Food (Miscellaneous Amendments etc.) (EU Exit) Regulations (Northern Ireland) 2020

Made - - - -	*25th November 2020*
Coming into operation -	*see reg. 1*

The Department of Health(**a**) makes these Regulations in exercise of the powers conferred by section 11 of and sub-paragraph 11M(1) of Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018(**b**).

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991(**c**), the Department of Health has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No 178/2002(**d**) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Food (Miscellaneous Amendments etc.) (EU Exit) Regulations (Northern Ireland) 2020 and come into operation immediately before IP completion day.

Revocation of the Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

2. The Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(**e**) are hereby revoked.

(**a**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (NI) section1(5)
(**b**) 2018 c. 16, amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1)
(**c**) S.I. 1991/762 (N.I.7) as amended by S.I 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R.2004 Nos. 482 and 505
(**d**) O.J. No. L 31, 1.2.2002, p.1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (O.J. No. L 198, 25.07.2019, p.241)
(**e**) S.I. 2019/353

Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015

3.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(**a**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (Interpretation)—

(a) in the definition of "fluoride removal treatment", in sub-paragraph (b) replace "another EEA state" with "an EEA state";

(b) in the definition of "ozone-enriched air treatment", in sub-paragraph (b) replace "other parts another part of the United Kingdom or from another EEA State" with "another part of the United Kingdom or an EEA State".

(3) In regulation 4 (Recognition as natural mineral water), in paragraph (2)(c) omit "other than the United Kingdom".

(4) In regulation 33(3), in sub-paragraph (a) omit "other than the United Kingdom".

Amendment of the Food Hygiene Regulations (Northern Ireland) 2006

4.—(1) The Food Hygiene Regulations (Northern Ireland) 2006(**b**) are amended in accordance with paragraphs (2) to (5)—

(2) In regulation 17—

(a) in paragraph (1) for "paragraph (4)" substitute "paragraphs (4) and (5)";

(b) after paragraph 4 insert—

"(5) A person shall be considered not to have contravened Article 5(1) of Regulation 853/2004 provided the requirements of Schedule 2A are complied with.".

(3) After regulation 31, insert—

"**32.** Under specified community provisions referenced in Article 5(1) of Regulation 853/2004 and in Schedule 2, food business operators in Northern Ireland shall ensure a health mark or identification mark is applied as appropriate in accordance with Schedule 2A.".

(4) In Schedule 2 in Column 2 beside the entry in Column 1 relating to Article 5(1) of Regulation 853/2004, in both places where it occurs, for "Regulation 854/2004" substitute "Regulation 2019/627".

(5) After Schedule 2 insert Schedule 2A as in the Schedule to these regulations.

Sealed with the official seal of the Department of Health on 25th November 2020.

L.S.

Lourda Geoghegan
A senior officer of the Department of Health

(**a**) S.R. 2015 No. 365 as amended by S.R. 2017 No. 201
(**b**) S.R. 2006 No. 6 as amended by S.I. 2019/1085

SCHEDULE

Regulation 4(5)

“Schedule 2A

PART 1

The Health Mark

1. The health mark shall consist of an oval mark containing in perfectly legible form the following characters in the order below:

(a) the letters “UK(NI)” or “UNITED KINGDOM (NORTHERN IRELAND)”;

(b) the approval number of the establishment; and

(c) the letters “EC”.

2. When applied to carcases, the health mark shall measure at least 6.5 cm wide by 4.5 cm high and contain letters at least 0.8 cm high and figures at least 1 cm high.

3. The ink used for health marking must be authorised in accordance with Union rules on the use of colouring substances in foodstuffs.

PART 2

The Identification Mark

1. The identification mark must be legible and indelible, and the characters easily decipherable. It must be clearly displayed for the competent authorities and shall consist of an oval mark containing the following characters in the order below:

(a) the letters “UK(NI)” or “United Kingdom (Northern Ireland)”;

(b) the approval number of the establishment; and

(c) the letters “EC”.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 as the changes due to be made by those are no longer necessary due to the Ireland/Northern Ireland Protocol. (regulation 2)

The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 are amended to update references to EEA States and the United Kingdom. (regulation 3)

The Food Hygiene Regulations (Northern Ireland) 2006 are amended to provide for the application of the Ireland/Northern Ireland Protocol with respect to health and identification marks. (regulation 4)

An impact assessment of the effect these Regulations has not been undertaken as it is believed there will be no or minimal costs to business, the voluntary sector and the public sector in Northern Ireland as a result of these regulations.

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