



STATUTORY INSTRUMENTS.

S.I. No. 383 of 2013.

EUROPEAN COMMUNITIES (GENERAL FOOD LAW)
(AMENDMENT) REGULATIONS 2013

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I, JAMES REILLY, 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 effect to Commission Implementing Regulation (EU) No. 208/2013 of 11 March 2013¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (General Food Law) (Amendment) Regulations 2013.

2. In these Regulations—

“Principal Regulations” means the European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007);

“Regulations of 2012” means the European Communities (General Food Law) (Amendment) Regulations 2012 (S.I. No. 473 of 2012).

3. Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2012) of the Principal Regulations is amended by inserting after the definition of “service contract” the following definition:

“‘sprouts’ means the product obtained from the germination of seeds and their development in water or another medium, harvested before the development of true leaves and which is intended to be eaten whole, including the seed;”.

4. Regulation 8 (as amended by Regulation 4 of the Regulations of 2012) of the Principal Regulations is amended—

(a) in paragraphs (f) and (g), by inserting “, except sprouts and seeds intended for the production of sprouts,” after “food of non-animal origin”,

(b) in paragraph (j), by deleting “or”, and

(c) by substituting for paragraph (k) the following paragraphs:

“(k) to make available information in relation to sprouts or seeds intended for the production of sprouts in accordance with Schedule 4,

¹OJ No. L 68, 12.3.2013, p. 16.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th October, 2013.*

- (*l*) to transmit information in relation to sprouts or seeds intended for the production of sprouts in accordance with Schedule 4,
- (*m*) to update information in relation to sprouts or seeds intended for the production of sprouts in accordance with Schedule 4,
- (*n*) to keep information in relation to sprouts or seeds intended for the production of sprouts for the duration prescribed in Schedule 4, or
- (*o*) in any other way to comply with Article 18 of the EC Regulation.”

5. Schedule 2 (as amended by Regulation 6 of the Regulations of 2012) to the Principal Regulations is amended—

- (*a*) by substituting for the title the following:

“TRACEABILITY INFORMATION — FOOD OF NON-ANIMAL ORIGIN (EXCEPT SPROUTS AND SEEDS INTENDED FOR THE PRODUCTION OF SPROUTS)”

and

- (*b*) by substituting for paragraph 1 the following:

“1. This Schedule shall apply to food of non-animal origin, including food containing both products of plant origin and processed products of animal origin, but shall not apply to sprouts and seeds intended for the production of sprouts.”.

6. The Principal Regulations are amended by inserting after Schedule 3 (inserted by Regulation 7 of the Regulations of 2012) the following Schedule:-

“SCHEDULE 4

TRACEABILITY INFORMATION — SPROUTS AND SEEDS INTENDED FOR THE PRODUCTION OF SPROUTS

1. In this Schedule, “batch” means a quantity of sprouts or seeds intended for the production of sprouts, with the same taxonomic name, which is dispatched from the same establishment to the same destination on the same day. One or more batches can make up a consignment. However, seeds with a different taxonomic name, which are mixed in the same packaging and intended to be germinated together and sprouts thereof are also considered as one batch.

2. This Schedule shall apply to batches of sprouts and seeds intended for the production of sprouts but shall not apply to sprouts after they

have undergone a treatment which eliminates microbiological hazards, compatible with European Union legislation.

3. The food business operator shall, as a minimum, keep the following information:

- (a) an accurate description of the seeds or sprouts, including the taxonomic name of the plant,
- (b) the volume or quantity of the seeds or sprouts supplied,
- (c) where the seeds or sprouts had been dispatched from another food business operator, the name and address of:
 - (i) the food business operator from which the seeds or sprouts have been dispatched, and
 - (ii) the consignor (owner) if different from the food business operator from which the seeds or sprouts have been dispatched,
- (d) the name and address of the food business operator to whom the seeds or sprouts are dispatched,
- (e) the name and address of the consignee (owner), if different from the food business operator to whom the seeds or sprouts are dispatched,
- (f) a reference identifying the batch as appropriate, and
- (g) the date of dispatch.

4. The food business operator shall ensure that the information needed to comply with paragraph 3 is transmitted to any food business operator to whom he or she supplies the seeds or sprouts.

5. The information referred to in paragraph 3 may be kept on record and transmitted in any appropriate form, provided that it is easily retrievable by the food business operator to whom the seeds or sprouts are supplied.

6. The food business shall transmit the relevant information referred to in paragraph 3 on a daily basis.

7. The food business operator shall update the records referred to in paragraph 3 on a daily basis and keep them available for a sufficient time after the sprouts can be assumed to have been consumed.

8. The food business operator shall provide the information referred to in paragraph 3, on demand, to the official agency, without undue delay.”



GIVEN under my Official Seal,
8 October 2013.

JAMES REILLY,
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 effect to Commission Implementing Regulation (EU) No. 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts.

These Regulations amend the European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007) in the manner specified in these Regulations.

These Regulations may be cited as the European Union (General Food Law) (Amendment) Regulations 2013.

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