

FOOD STANDARDS AGENCY NORTHERN IRELAND CONSULTATION

Title: The Food Hygiene (Amendment) Regulations (Northern Ireland) 2016
 CONSULTATION SUMMARY PAGE

Date consultation launched:	Closing date for responses:
22 January 2016	4 March 2016

Who will this consultation be of most interest to?

Food Business Operators (FBOs) in approved establishments producing and processing pig meat or horsemeat, officials working in such establishments, pig farmers and enforcement bodies.

What is the subject of this consultation?

The proposed Food Hygiene (Amendment) Regulations (Northern Ireland) 2016 (“the draft Regulations”) will amend the Food Hygiene Regulations (Northern Ireland) 2006. This will enable the execution and enforcement of Commission Implementing Regulation (EU) No. 2015/1375, laying down specific rules on official controls for *Trichinella* in meat (“the new Commission Regulation”). This Regulation introduces minor changes to the specific rules on official controls for *Trichinella* in meat and a codification that creates a single consolidated Regulation incorporating all previous amendments, including the changes that were previously introduced to provide clarity to the legislation and avoid misinterpretation.

What is the purpose of this consultation?

To inform interested parties of the introduction of the changes to the official controls for *Trichinella* in meat. We are also seeking views on the new flexibilities provided for in the new Commission Regulation and to also provide interested parties with the opportunity to comment on the proposed Food Hygiene Amendment Regulations (NI) 2016.

Responses to this consultation should be sent to:

Name: Louise Beggs

Division/Branch: Executive Support Unit

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 NORTHERN IRELAND**

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**Is an Impact Assessment included
 with this consultation?**

Yes

No



The Food Hygiene (Amendment) Regulations (Northern Ireland) 2016

DETAIL OF CONSULTATION

1. We would welcome your comments on the proposed Food Hygiene (Amendment) Regulations (Northern Ireland) 2016, attached as Annex C.

Introduction

2. The proposed Regulations will amend the Food Hygiene Regulations (Northern Ireland) 2006 with necessary amendments to take into account the provisions of the Commission Implementing Regulation (EU) 2015/1375¹, laying down official controls for *Trichinella* in meat (“the new Commission Regulation”).
3. In June 2015 the Commission put forward a proposal that Regulation (EC) 2075/2005 and all of its amendments go through a codification process. This has the purpose of creating a new Regulation that consolidates the previous version and all of its amendments.
4. The new Commission Regulation, repealing Commission Regulation(EC) No. 2075/2005² of 5 December 2005, laying down specific rules on official controls for *Trichinella* in meat was published in the Official Journal (OJ) of the European Union on 11 August 2015. The new Commission Regulation came into force on 29 August 2015 and became applicable throughout the EU, within 20 days of its publication. A copy of the new Commission Regulation is available to download free of charge from the EUR-Lex website at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R1375&from=EN>

5. The new Commission Regulation repeals Regulation (EC) No. 2075/2005 and all extant amendments and consolidates the provisions at EU level that have applied since 2005 and remakes them in the new codified Commission Implementing Regulation. The new Commission Regulation introduces minor changes to the specific rules on the controls for *Trichinella* in meat and a codification that creates a single consolidated Regulation, incorporating all previous amendments, including the changes that were previously introduced to provide clarity to the legislation and avoid misinterpretation.

Background

6. On 7 March 2014, Commission Regulation (EU) No. 216/2014³, amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat was published in the OJ and introduced a more risk based *Trichinella* testing regime. This regime has applied since 1st June 2014.
7. The Food Standards Agency (FSA) carried out a formal consultation on the amending Regulation, introducing the new testing requirements for *Trichinella*. The purpose of the consultation was to seek stakeholder views on the practical

¹ OJ L 212, 11.8.2015, pg. 7

² OJ L 338, 22.12.2005, pg. 60

³ OJ L 69, 8.3.2014, pg. 85

application of the changes and to determine whether the FSA's assumptions were a fair reflection of the costs, benefits and wider impacts on stakeholders.

8. Details of the consultation and responses are published on the FSA's website at:

<http://www.food.gov.uk/news-updates/consultations/consultations-northern-ireland/2014/pigmeat-inspect-consult-ni>

<http://www.food.gov.uk/sites/default/files/consultation-responses-pig-meat-inspection.pdf>

Commission Implementing Regulation (EU) 1114/2014 (amending Regulation (EC) 2075/2005)

9. In November 2014, in response to concerns raised by Member States over interpretation, the Commission introduced a further amendment to Regulation (EC) 2075/2005 that provided clarity to the changes made under Regulation (EU) 216/2014. Commission Implementing Regulation (EU) 1114/2014⁴ added clarity by ensuring that the text was consistent with Council Directive 64/432/EEC⁵ on animal health problems affecting intra-EU trade in bovine animals and swine, and other associated Regulations. These clarifications were made to ensure that Regulation (EC) 2075/2005 was correctly applied. More information on the changes is provided under the section on Proposals.
10. Regulation (EU) No. 1114/2014 brought the terminology used within the document in line with existing related Regulations, particularly those relating to animal health and health certifications. The only additions to the provisions of Regulation 2075/2005 as last amended by Regulation 1114/2014 that directly affect UK stakeholders were the introduction of two new flexibilities. One allows horse carcasses to be cut up into a maximum of six parts in a slaughterhouse or in a cutting plant on the same premises pending results from *Trichinella* testing. The second is an additional testing method for *Trichinella* in domestic swine. As the clarification will not impact on the original impact assessment with interpretations remaining the same, and with the flexibilities having no negative impact on UK practices, a further impact assessment is not required.

Sampling of Carcasses

11. Paragraph 3 of Article 2 of Regulation 2075/2005 as amended by Regulation 1114/2014 provides flexibility with horses included in the types of carcass that may be cut up into a maximum of six parts in a slaughterhouse or a cutting plant on the same premises, pending results from *Trichinella* testing.

Import Health Requirements

12. Text was added to paragraph 2, Article 13 of Regulation 2075/2005 by Regulation 1114/2014 and now appears in the new Commission Regulation to clarify the requirements regarding import health requirements and highlights that if the derogations from testing are applied by a third country, it must be listed according to Regulation (EU) 206/2010 and Decision 2007/777/EC.

⁴ OJ L 302, 20.10.2013, pg. 46

⁵ OJ L 121, 29.7.1964, pg. 1977

Documents

13. Article 14 has been amended for clarity and now includes references to associated Regulations that require attestations that *Trichinella* examinations have been made for intra-Union trade and third country imports. The related documents are the model health certificate for intra-Union trade in live domestic swine set out in Model 2 in Annex F to Directive 64/432/EEC; model health certificate for imports into the Union of domestic swine set out in the Models POR-X and POR-Y in Part 2 of Annex I to Regulation (EU) 206/2010; the veterinary certificate in accordance with Models 'POR' set out in Part 2 of Annex II to Regulation (EU) 206/2010; the animal and public health certificate, the model of which is set out in Annex II to Decision 2000/572/EC; and the animal and public health certificate, the model of which is set out in Annex III to Decision 2007/777/EC.

Detection Methods

14. Minor changes have been made to two sections of the *Trichinella* detection methods (Chapter 1 & 2 of Annex I). These were made at the request of the EU Reference Laboratory to ensure the Regulation contains the correct terminology. The methodologies remain the same.
15. In Chapter II of Annex I, part E is added. This permits the use of a new alternative *Trichinella* testing method. The PrioCHECK® *Trichinella* AAD Kit is only considered equivalent for testing meat from domestic swine.

Official Recognition of Holdings applying controlled housing conditions (CHC)

16. Part A Chapter I of Annex IV points g to j. The Commission felt that the terminology used in Regulation (EU) 216/2014 was not always clear when compared with associated supporting Regulations and required clarification. The requirement that an animal should remain in CHC throughout its life if it was to be considered being from CHC for testing purposes are set out in the Animal health certificate for swine for breeding/ production/ slaughter in Annex F, Model 2, Part II, II.1.3 of Council Directive 64/432/EEC, and it was decided that this text should be mirrored in Regulation (EC) 2075/2005 for clarification purposes. The requirement remains that if swine sold for breeding or production are considered to remain from CHC, the assembly centre through which they go must also be considered as applying CHC. Swine sold only for slaughter are exempt from this requirement as set out in Article 2(2)(c) of Directive 64/432/EEC.

Regulation (EU) 2015/1375 (Repealing Regulation (EC) 2075/2005)

17. The draft Regulations annexed are designed to ensure that existing powers to enforce Regulation (EC) No. 2075/2005 that are currently set out in the Food Hygiene Regulations (Northern Ireland) 2016 are transferred to the enforcement of the new Commission Regulation.

Key proposals

- 1. To amend the Food Hygiene Regulations (Northern Ireland) 2006 in order to provide for the execution and enforcement of the**

provisions of the new Commission Implementing Regulation (EU) 2015/1375

2. Horses are added to the types of carcase that may be cut up into a maximum of six parts in a slaughterhouse or a cutting plant on the same premises pending results from *Trichinella* testing.
3. A new alternative *Trichinella* testing method is permitted. The PrioCHECK® *Trichinella* AAD Kit is the only considered equivalent for testing meat from domestic swine.
4. Regulation (EC) No. 2075/2005 is repealed by the Commission Implementing Regulation (EU) 2015/1375. There are no changes to the specific rules on the official controls for *Trichinella* in meat, as were laid down in the last amendment to Regulation 2075/2005 as this is a codification process.

Impact Assessment

18. An Impact Assessment has not been prepared for this consultation as a full consultation was on Regulation (EU) 216/2014 and Regulation (EU) 1114/2014 was adopted. The responses to this consultation were published in June 2014, as mentioned above and the details can be found at:

<http://www.food.gov.uk/sites/default/files/consultation-responses-pig-meat-inspection.pdf>

19. Aside from the clarifications, the only additions to the new Commission Regulation are two new flexibilities; the first allows horse carcasses to be cut into a maximum of six parts in slaughterhouses or in a cutting plant on the same premises, pending results from *Trichinella* testing. The second is the additional testing method for *Trichinella* in domestic swine. As the interpretation of the Regulation remains the same and the flexibilities have no negative impact on UK practices, a further Impact Assessment is therefore not required.
20. In addition, under the codification process, Regulation (EC) No. 2075/2005 is repealed and replaced by the new Commission Regulation. As the new Regulation only consolidates Regulation 2075/2005, and does not change its requirements an Impact Assessment of this is also not required.

Consultation Process

21. During the development of Regulation (EU) 216/2014 which amended Regulation (EC) 2075/2005 there was extensive communication with stakeholders throughout the EU negotiations of the proposals and during the development of the national application of the changes. The FSA held a number of ad hoc meetings with key organisations to help inform its discussions, and these meetings informed the conclusions of the first consultation process. Responses to the consultation are published on the Food Standards Agency's website.

22. Interested parties are invited to respond to the following questions;

Questions asked in this consultation:

Q1: Do you have any views on the flexibilities first introduced in Regulation (EU) 1114/2014 and now consolidated in the new Commission Regulation?

- The derogation for cutting horse carcasses into 6 pieces.
- The addition of a new testing method for *Trichinella* in domestic swine.

Q2: Do you want to bring to our attention any views on the new Commission Regulation?

Comments

23. This consultation seeks comments from all stakeholders on the proposed Food Hygiene (Amendment) Regulations (Northern Ireland) 2016 for *Trichinella* and the key proposals above. We would also welcome your views on any other aspects of the new Commission Regulation that you would like to bring to our attention, in particular on the codification.

24. Following the consultation, we will review the responses received and consider whether any changes are required to the proposed Regulations. A summary of all comments received will be published on the FSA's website within 3 months following the end of the consultation period.

Other Relevant documents

25. The Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat is available from the EUR-Lex website at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R1375&from=EN>

26. The Food Hygiene Regulations (Northern Ireland) 2006 are available on the 'legislation.gov.uk' website at:

<http://www.legislation.gov.uk/nisr/2006/3/contents/made>

27. Please send your response by email or post using the contact details given. All responses received as part of this consultation will be given careful consideration.

Responses

28. **Responses are required by close 4 March.** Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours faithfully



Louise Beggs
Executive Support Unit
FSA in Northern Ireland

Enclosed

Annex A: Standard Consultation Information

Annex B: List of interested parties

Annex C: The Food Hygiene (Amendment) Regulations (Northern Ireland) 2016

Queries

1. If you have any queries relating to this consultation please contact the person named on page 1, who will be able to respond to your questions.

Publication of personal data and confidentiality of responses

2. In accordance with the FSA principle of openness our Information Centre at Aviation House will hold a copy of the completed consultation. Responses will be open to public access upon request. The FSA will also publish a summary of responses, which may include personal data, such as your full name and contact address details. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/worddocs/dataprotection.doc> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

5. A list of interested parties to whom this letter is being sent appears in Annex C. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.
6. Please let us know if you need paper copies of the consultation documents or of anything specified under '**Other relevant documents**'.
7. This consultation has been prepared in accordance with HM Government Code of Practice on Consultation, available at: <http://www.berr.gov.uk/files/file47158.pdf> The Consultation Criteria from that Code should be included in each consultation and they are listed below:

The Seven Consultation Criteria**Criterion 1 — When to consult**

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 — Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 — Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 — Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 - The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 - Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 - Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

8. Criterion 2 states that *Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*
9. The Code of Practice states that an Impact Assessment should normally be published alongside a formal consultation. **We consider that the impact on both businesses and enforcement authorities of the proposed Regulations will be negligible. Therefore we have not produced an Impact Assessment for these proposals.**
10. For details about the consultation process (not about the content of this consultation) please contact: [Food Standards Agency Consultation Co-ordinator](#), Room 2B, Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 020 7276 8140.

Comments on the consultation process itself

11. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to help us improve the quality of future consultations, please feel free to share your thoughts with us by using the Consultation Feedback Questionnaire at:

<http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>

12. If you would like to be included on future Food Standards Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Consultation Feedback Questionnaire at:

<http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>

The questionnaire can also be used to update us about your existing contact details.

List of interested parties in NI

Karro Group Cookstown
Dunbia Ballymena
Ballymena Meats
Wm Grant & Co Ltd
DARD
DHSSPS
Public Health Agency
Ulster Farmers Union
NI Pig Forum Ltd
Ulster Curers Association
AFBI
NIAPA
Vet NI
NI Food Advisory Committee
FSAI
FSPB
DAFM
NIPSA
General Consumer Council
NI Master Butchers Association
Elite Butchers Association NI
NIMEA
LMC

STATUTORY RULES OF NORTHERN IRELAND

2016 No.

FOOD

**The Food Hygiene (Amendment) Regulations (Northern
Ireland) 2016**

<i>Made</i>	- - - -	2016
<i>Coming into operation</i>		2016

The Department of Health, Social Services and Public Safety(**a**) being a department designated for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to food (including drink) including the primary production of food(**c**) and measures in the veterinary and phytosanitary fields for the protection of public health(**d**) makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the European 1972 Act and it appears to the Secretary of State that it is expedient for references to an Annex to Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat to be construed as references to that Annex as amended from time to time.

As required by Article 9 of Regulation (EC) No. 178/2002 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(**e**) there has been open and transparent public consultation during the preparation of these Regulations.

Title and commencement

1. These Regulations may be cited as the Food Hygiene (Amendment) Regulations (Northern Ireland) 2016 and come into operation on [.....2016].

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(b) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and has been amended by section 3(3) of and the Schedule to the European Union (Amendment) Act 2008 (2008 c.7).
(c) S.I.2003/2901
(d) S.I. 1999/2027.
(e) OJ No. L31, 1.2.2002, p.1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No. L189, 27.6.2014, p.1).

Amendments to the Food Hygiene Regulations (Northern Ireland) 2006

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

(2) In regulation 2(1) (interpretation), in the definition of “the Community Regulations” and in the definition beginning “Decision 2006/766”, for “Regulation 2075/2005” in each case substitute “Regulation 2015/1375”.

(3) In Schedule 1 (definitions of EU legislation) —

(a) in the definition of “Regulation 854/2004”, for “Regulation 2075/2005” substitute “Regulation 2015/1375”;

(b) omit the definition of “Regulation 2075/2005”; and

(c) at the end of the Schedule add the following definition —

““Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat.”^(b)

(4) In Schedule 2 (specified Community provisions) —

(a) in the first column of the final entry, for “Regulation 2075/2005” substitute “Regulation 2015/1375”; and

(b) in the second column of the final entry, for the existing text substitute the following —

“Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex IV to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings’ *Trichinella* status.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on
0th Month 2016



Name

A senior officer of the Department of Health, Social Services and Public Safety

^(a) S.R. 2006/3

^(b) OJ No. L212, 11.8.2015, p.7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations *(to be completed following consultation)*

A full impact assessment has not been produced for this instrument as no impact on business or the public or voluntary sectors is foreseen.