

DRAFT

L.N. of 2012

**FOOD SAFETY ACT
(CAP. 449)**

**Enforcement of European Union Legislation for the Importation of Foodstuffs and
Materials intended to Come into Contact with Food from Non EU Member States
Regulations, 2012**

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister for Health, the Elderly and Community Care has made the following regulations:-

Title. 1. (1) The title of these regulations is the Enforcement of European Union Legislation for the Importation of Foodstuffs and Food Contact Materials from Non EU Member States Regulations, 2012.

(2) These Regulations shall come into force on the date of publication in the Malta Government Gazette.

Definition. 2. In these regulations, “the Act” means the Food Safety Act.

European Union Legislation. 3. These regulations apply to the following European Union legislation and their subsequent amendments:

(a) Commission Decision of 8 June 2010 repealing Decision 2006/601/EC on emergency measures regarding the non-authorized genetically modified organism ‘LL RICE 601’ in rice products, and providing for random testing for the absence of that organism in rice products (Commission Decision 2010/315/EU);

(b) Commission Decision of 20 December 2007 approving the pre-export checks carried out by the United States of America on peanuts and derived products thereof as regards the presence of aflatoxins (Commission Decision 2008/47/EC);

(c) Commission Implementing Decision of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC

(Commission Decision 2011/884/EU);

(d) Commission Regulation (EU) No 258/2010 of 25 March 2010 imposing special conditions on the imports of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins, and repealing Decision 2008/352/EC;

(e) Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC;

(f) Commission Regulation (EC) No 1135/2009 of 25 November 2009 imposing special conditions governing the import of certain products originating in or consigned from China, and repealing Commission Decision 2008/798/EC;

(g) Commission Regulation (EC) No 1151/2009 of 27 November 2009 imposing special conditions governing the import of sunflower oil originating in or consigned from Ukraine due to contamination risks by mineral oil and repealing Decision 2008/433/EC;

(h) Commission Regulation (EC) No 1152/2009 of 27 November 2009 imposing special conditions governing the import of certain foodstuffs from certain third countries due to contamination risk by aflatoxins and repealing Decision 2006/504/EC;

(i) Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China;

(j) Commission Implementing Regulation (EU) No 961/2011 of 27 September 2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the

Fukushima nuclear power station and repealing Regulation (EU) No 297/2011;

(k) Commission Implementing Decision of 6 July 2011 on emergency measures applicable to fenugreek seeds and certain seeds and beans imported from Egypt (Commission Decision 2011/402/EU); and

(l) Commission Implementing Regulation (EU) No 844/2011 of 23 August 2011 approving the pre-export checks carried out by Canada on wheat and wheat flour as regards the presence of ochratoxin A.

Revokes L.N. 475 of 2010.

4. The Enforcement of European Union Legislation for the Importation of Foodstuffs from Non EU Member States Regulations, 2010 are hereby being revoked.

Offences and penalties.

5. Any person who violates the provisions of the Decisions and Regulations of the European Union to which these regulations apply shall be guilty of an offence against these regulations and the provisions of the Act concerning the violation of the provisions of regulations made under the Act shall apply to the violation of the said European Union Decisions and Regulations.