



STATUTORY INSTRUMENTS.

S.I. No. 461 of 2022



EUROPEAN UNION (OFFICIAL CERTIFICATION) REGULATIONS 2022.

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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Chapter VII of Title II of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Official Certification) Regulations 2022.

2. (1) In these Regulations–

“certifying officer” has the meaning assigned to it by Article 3(26) of Regulation 2017/625;

“issue” in relation to a certificate includes, endorsing or signing a certificate;

“official attestation” has the meaning assigned to it by Article 3(28) of Regulation 2017/625;

“official certificate” has the meaning assigned to it by Article 3(27) of Regulation 2017/625;

“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 as amended by Commission Delegated Regulation (EU) 2019/478 of 14 January 2019² and Commission Delegated Regulation (EU) 2019/2127 of 10 October 2019³.

(2) A word or expression which is used in these Regulations and which is also used in Regulation 2017/625 has, unless the context otherwise requires, the same meaning in these Regulations as it has in Regulation 2017/625.

(3) These Regulations shall be deemed to be food legislation for the purposes of the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998).

3. A person who knowingly contravenes chapter VII of Title II of Regulation 2017/625 in respect of an official certificate or official attestation commits an offence.

4. A person who knowingly issues false or misleading official certificates commits an offence.

¹ OJ L 95, 7.4.2017, p. 1

² OJ L 82, 25.3.2019, p. 4

³ OJ L 321, 12.12.2019, p. 111

5. (1) A person shall not forge, or utter knowing it to be forged, a certificate purporting to be an official certificate or official attestation, or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as a “forged certificate”).

(2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered, an official certificate or official attestation, or an extract therefrom (hereafter in this Regulation referred to as “an altered certificate”).

(3) A person shall not, without lawful authority, have in his or her possession or under his or her control a forged certificate or an altered certificate.

(4) A person who contravenes this Regulation commits an offence.

6. (1) A person who commits an offence under these Regulations is liable—

(a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or

(b) on conviction on indictment to a fine not exceeding €500,000, or to imprisonment for a term not exceeding 3 years, or to both.

(2) An offence under these Regulations may be prosecuted summarily by the competent authority on whose behalf the official certificate or official attestation is issued, or purported to be issued.

(3) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she was guilty of the offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

7. (1) The European Communities (Certification of Animals and Animal Product) Regulations 1999 (S.I. No. 380 of 1999) are revoked.

(2) Any reference made in an instrument to the Regulations revoked by paragraph (1) shall be construed as a reference to these Regulations.



GIVEN under my Official Seal,
15 September, 2022.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

Official Certification Regulations provide detail for application of a number of provisions of Official Controls Regulation (EU 2017/625). This "Certifying Officer SI" provides for offences in case of false or misleading official certificates or the abuse of official certificates. This new SI revokes previous SI 1999/380.

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