

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament on 18th March 2019 and published on 18th March 2019 (ISBN 9780111184172). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

EXITING THE EUROPEAN UNION AGRICULTURE FOOD

The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2019

Made - - - -

Coming into force in accordance with regulation 2

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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 there has been open and transparent public consultation during the preparation of these Regulations.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2019.

⁽¹⁾ 2018 c. 16.

2. These Regulations come into force on the later of exit day or the day after the day on which they are made.

PART 2

Amendment of subordinate legislation

Amendment of the Food Hygiene Regulations (Northern Ireland) 2006

3. The Food Hygiene Regulations (Northern Ireland) 2006⁽²⁾ are amended as follows.

4. In regulation 17—

(a) in paragraph (1)—

(i) before “(4)”, for “paragraph” substitute “paragraphs”;

(ii) after “(4)” insert “and (5)”;

(b) after paragraph (4), insert—

“(5) A person is to be considered not to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if the health mark or identification mark that constitutes the alleged contravention or failure to comply would not have constituted a contravention or failure to comply with that Article as it applied immediately before exit day, provided the health mark or identification mark is applied before the end of the period of 21 months beginning with the day after the day on which exit day falls.”.

Amendment of the Fishery Products (Official Controls Charges) (England) Regulations 2007

5. The Fishery Products (Official Controls Charges) (England) Regulations 2007⁽³⁾ are amended as follows.

6. In regulation 2—

(a) for the definition “third country” substitute—

““third country”, except in the expression “third country import”, means a country or state other than the United Kingdom;”;

(b) for the definition “third country import” substitute—

““third country import” means an import in respect of which a charge is payable pursuant to Regulation 882/2004;”.

7. For regulation 4 substitute—

“4. Any reference in these Regulations to a specified number of Euros (“EUR”) is to be read as that sum converted into pounds sterling (“GBP”) using the exchange rate of GBP1 = EUR1.1413.”.

Amendment of the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007

8. The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007⁽⁴⁾ are amended as follows.

(2) S.R. 2006 No. 3, last amended by S.R. 2019 No. 5.

(3) S.I. 2007/3392.

(4) S.R. 2007 No. 497, amended by S.I. 2011/1043 and S.R. 2019 No.5.

9. In regulation 2—

(a) for the definition “third country” substitute—

““third country”, except in the expression “third country import”, means a country or state other than the United Kingdom;”;

(b) for the definition “third country import” substitute—

““third country import” means an import in respect of which a charge is payable pursuant to Regulation 882/2004;”.

10. For regulation 4 substitute—

“4. Any reference in these Regulations to a specified number of Euros (“EUR”) is to be read as that sum converted into pounds sterling (“GBP”) using the exchange rate of GBP1 = EUR1.1413.”.

Amendment of the Food Irradiation (England) Regulations 2009

11. The Food Irradiation (England) Regulations 2009(5) are amended as follows.

12. In regulation 3(1)—

(a) in the definition “import”, for “another member State or from a country outside the European Union” substitute “outside the United Kingdom”;

(b) in the definition “official reference number” for “the reference number allocated by the member State in connection with its approval as an irradiation facility (being the number shown for it in the list in Schedule 3)” substitute “the number shown for it in the list in Schedule 3”.

13. In regulation 5(1)—

(a) for sub-paragraph (b) substitute—

“(b) it has been irradiated in one of the facilities listed in the Table in Schedule 3 or Schedule 4;”;

(b) in sub-paragraph (d), in the opening words, for “another” substitute “a”.

14. For the heading to Schedule 3 substitute—

“List of Facilities in member States and the United Kingdom”.

Amendment of the Food Irradiation Regulations (Northern Ireland) 2009

15.—(1) The Food Irradiation Regulations (Northern Ireland) 2009(6) are amended as follows.

(2) In regulation 3(1)—

(a) in the definition “import”, for “another member State or from a country outside the European Union” substitute “outside the United Kingdom”;

(b) omit the definition of “member State”;

(c) in the definition “official reference number” for “the reference number allocated by the member State in connection with its approval as an irradiation facility (being the number shown for it in the list in Schedule 3)” substitute “the number shown for it in the list in Schedule 3”.

(3) In regulation 5—

(5) S.I. 2009/1584, amended by S.I. 2010/2312, 2011/1043.

(6) S.R. 2009 No. 258, amended by S.R. 2010 No. 322, S.I. 2011/1043 and S.R. 2019 No. 5.

- (a) in paragraph (1) for sub-paragraph (b) substitute—
 - “(b) it has been irradiated in one of the facilities listed in the Table in Schedule 3 or Schedule 4;”;
- (b) in paragraph (2), in the opening words, for “another” substitute “a”.
- (4) For the heading to Schedule 3 substitute—

“LIST OF FACILITIES IN MEMBER STATES AND THE UNITED KINGDOM”.

Amendment of the Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011

16. The Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011(7) are amended as follows.

- 17.** In regulation 3(2) insert “United Kingdom” after “the” and before “market”.

Amendment of the Food Safety (Sampling and Qualifications) (England) Regulations 2013

18. The Food Safety (Sampling and Qualifications) (England) Regulations 2013(8) are amended as follows.

- 19.** In Schedule 2—
 - (a) in Part 1, in paragraph 6, for “another Member State” substitute “a Member State of the European Union”;
 - (b) in Part 2—
 - (i) in paragraph 2, for “another Member State” substitute “a Member State of the European Union”;
 - (ii) in paragraph 4, for “another Member State” substitute “a Member State of the European Union”.

Amendment of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013

20. The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013(9) are amended as follows.

- 21.** In Schedule 2—
 - (a) in Part 1, in paragraph 6, for “another Member State” substitute “a Member State of the European Union”;
 - (b) in Part 2—
 - (i) in paragraph 2, for “another Member State” substitute “a Member State of the European Union”;
 - (ii) in paragraph 4, for “another Member State” substitute “a Member State of the European Union”.

Amendment of the Food Safety and Hygiene (England) Regulations 2013

22. The Food Safety and Hygiene (England) Regulations 2013(10) are amended as follows.

(7) S.R. 2011 No. 236, amended by S.R. 2019 No. 5.

(8) S.I. 2013/264, amended by S.I. 2013/2196.

(9) S.R. 2013 No. 66, amended by S.R. 2013 No. 229 and S.R. 2015 No. 365.

(10) S.I. 2013/2996, amended by S.I. 2014/1855, S.I. 2014/2748, S.I. 2014/2885 and S.I. 2016/868.

23. In regulation 19—

- (a) in paragraph (1), for “(8)” substitute “(9)”;
- (b) after paragraph (8), insert—

“(9) A person is to be considered not to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if the health mark or identification mark that constitutes the alleged contravention or failure to comply would not have constituted a contravention or failure to comply with that Article as it applied immediately before exit day, provided the health mark or identification mark is applied before the end of the period of 21 months beginning with the day after the day on which exit day falls.”.

PART 3

Amendment of retained direct EU legislation

Amendment of Council Regulation (EEC) No. 315/93 laying down Community procedures for contaminants in food

24. Council Regulation (EEC) No. 315/93 laying down Community procedures for contaminants in food(11) is amended as follows.

25. In Article 2(7)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment 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

26. 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(12) is amended as follows.

27. In Article 3, at the end insert—

“21. “Northern Ireland devolved authority” means the Department of Health or the Department of Agriculture, Environment and Rural Affairs.”.

28. In Article 18(16) omit “annulment in pursuance of a”.

Amendment of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed

29. Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(13) is amended as follows.

30. In Article 35(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

(11) Council Regulation (EEC) No. 315/93, amended by the Contaminants in Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/639).

(12) Regulation (EC) No. 178/2002, amended by the General Food Law (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/641).

(13) Regulation (EC) No. 1829/2003, amended by the Genetically Modified Food and Feed (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/705).

Amendment of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition

31. Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition(14) is amended as follows.

32. In Article 18A(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Regulation (EC) No. 2065/2003 of the European Parliament and of the Council on smoke flavourings used or intended for use in or on foods

33. Regulation (EC) No. 2065/2003 of the European Parliament and of the Council on smoke flavourings used or intended for use in or on foods(15) is amended as follows.

34. In Article 3(5)(b), for “Scotland;” substitute “Scotland;”.

35. In Article 7(2), after subparagraph (b) insert—

“(c) The appropriate authority must inform the Authority of the application without delay and make the application and any supporting information supplied by the applicant available to the Authority.”

36. In Article 19A(3)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs

37. Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(16) is amended as follows.

38. In Article 14(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

39. Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(17) is amended as follows.

40. In Article 12(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

41. In Annex 2, Section 1, Part B, paragraph 7, for “abbreviation “UK” or” substitute “abbreviation “UK” or “GB” or”.

Amendment of Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

42. Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(18) is amended as follows.

(14) Regulation (EC) No. 1831/2003, amended by the Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654).

(15) Regulation (EC) No. 2065/2003, amended by the Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(16) Regulation (EC) No. 852/2004, amended by the General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642).

(17) Regulation (EC) No. 853/2004, amended by the Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/640).

(18) Regulation (EC) No. 854/2004, amended by the Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/640).

43. In Article 15(2)(b)(ii), in the third indent, for “retained EU law” substitute “United Kingdom requirements”.

44. In Article 19(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

45. In Annex 1, Section 1, Chapter 3, paragraph 3, for “abbreviation “UK” or” substitute “abbreviation “UK” or “GB” or”.

46. In Annex 1, Section 3, Chapter 2, in paragraph 3(e), insert at the end “This concerns animals susceptible to the particular disease in question that come from the particular region as defined in Article 2 of Council [Directive 64/432/EEC](#)”.

47. In Annex 3, Chapter 1, for paragraph 2(c) substitute—

“(c) may, if necessary, when the competent authority is carrying out the official control on a vessel flying the flag of the United Kingdom, be carried out while the vessel is at sea or when it is in a port in a third country.”.

48. In Annex 6, for paragraph 2 substitute—

“2. Certificates must be drawn up in English or in English and Welsh, or be accompanied by a certified translation into English or into English and Welsh.”.

Amendment of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

49. Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(19) is amended as follows.

50. In Article 63A—

- (a) in paragraph (1)(c), for “Northern Ireland devolved authority” substitute “appropriate authority for Northern Ireland”;
- (b) in paragraph (4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;
- (c) in paragraph 5(d), for “Northern Ireland devolved authority” substitute “Department of Health or the Department of Agriculture, Environment and Rural Affairs”.

Amendment of Regulation (EC) No. 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC

51. Regulation (EC) No. 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC(20) is amended as follows.

52. In Article 23A(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

(19) Regulation (EC) No. 882/2004, amended by the Official Controls for Feed, Food and Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/665).

(20) Regulation (EC) No. 1935/2004, amended by the Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/704).

Amendment to Regulation (EC) No. 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene

53. Regulation (EC) No. 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene(21) is amended as follows.

54. In Article 31A(4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Commission Regulation (EC) No. 378/2005 on detailed rules for the implementation of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives

55. Commission Regulation (EC) No. 378/2005 on detailed rules for the implementation of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives(22) is amended as follows.

56. In Article 4(8)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs

57. Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(23) is amended as follows.

58. In Article 2(g) omit “, including sprouts,”.

Amendment of Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004

59. Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004 is amended as follows.

60. In the heading to Article 6c, for “Member States entering the Union” substitute “the United Kingdom entering the United Kingdom”.

61. In Article 6c (1)—

- (a) for “a Member State” substitute “the United Kingdom”;
- (b) for “Union” substitute “United Kingdom”.

62. In Article 7—

(21) Regulation (EC) No. 183/2005, amended by the Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654).

(22) Commission Regulation (EC) No. 378/2005, amended by the Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654).

(23) Commission Regulation (EC) No. 2073/2005, amended by the General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642).

- (a) in paragraph 1—
 - (i) in the opening words, for “foods that, in the Member State in which they are traditionally manufactured, are;” substitute “foods that are traditionally manufactured in the United Kingdom and are—”;
 - (ii) in subparagraph (c), omit “Community;”;
 - (b) in paragraph 2, in the opening words, for “Member States” substitute “The appropriate authority”;
 - (c) omit paragraph 3.
- 63.** After Article 10, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- 64.** In Annex 1, in Section 2—
- (a) in Chapter 1, omit paragraph 3;
 - (b) in Chapter 2—
 - (i) in paragraph 1, for “same Member State” substitute “United Kingdom”;
 - (ii) omit paragraph 2.
- 65.** In Annex 2, in Section 2, Chapter 1—
- (a) for paragraph 1(d), substitute—
 - “(d) 60 mg of nitrogen/100 g of whole fishery products used directly for the preparation of fish oil for human consumption as referred to in the second subparagraph of Part B(1) of Chapter IV of Section VIII of Annex III to Regulation (EC) No. 853/2004; however, where the raw material complies with points (a), (b) and (c) of Part B(1) of that Chapter, pending the making of relevant regulations under Article 11(9) of Regulation (EC) No. 853/2004, nothing in this Regulation prevents the appropriate authority from using any powers it has to make subordinate legislation to set limits at a higher level for certain species.”;
 - (b) in the second paragraph of paragraph 4, for “Member States” substitute “Competent authorities”.
- 66.** In Annex 3, in Chapter 3—
- (a) in Part A—
 - (i) in point (2), for “EFSA” substitute “the Food Safety Authority”;
 - (ii) in point (3), for “EFSA” substitute “the Food Safety Authority”;
 - (b) in Part C, for “programmes elaborated by the Member States” substitute “programme”.
- 67.** Omit Annex 5.
- 68.** In Annex 6—
- (a) in the Appendices, for “EU” substitute “United Kingdom” in each place it occurs;
 - (b) in Appendix 4, in the Notes, in Part 2—
 - (i) in note (1), for “Union legislation” substitute “retained EU law”;
 - (ii) in note (5), for “Union” substitute “United Kingdom”;
 - (iii) in note (6)—
 - (aa) for “a Member State” substitute “the United Kingdom”;
 - (bb) omit the sentence that begins “Data on the disease”;
 - (c) in Appendix 5—

- (i) in the health attestation—
 - (aa) in the heading to point 2.2.2, for “a Member State” substitute “the United Kingdom”;
 - (bb) in point 2.2.3.3, for “Community” substitute “United Kingdom”;
- (ii) in the Notes, in Part 2—
 - (aa) in note (1), for “Community legislation” substitute “retained EU law”;
 - (bb) in note (5), for “Community” substitute “United Kingdom”;
 - (cc) in note (6), for “a Member State” substitute “the United Kingdom”;
 - (dd) in note (6), omit the sentence that begins “Data on the disease”;
- (d) in the heading to Appendix 7, for “European Union” substitute “United Kingdom”;
- (e) in Appendix 7—
 - (i) in the public health attestation, in the first indent—
 - (aa) for “European Union” substitute “United Kingdom”;
 - (bb) omit “(being “EU-listed”);”;
 - (ii) in the Notes part 1, in the third indent, for “Member State of destination” substitute “United Kingdom”;
- (f) in the heading to Appendix 8, for “a Member State” substitute “the United Kingdom”;
- (g) in Appendix 8—
 - (i) in Part 2.1—
 - (aa) in the first indent, for “from the approved/registered vessel(s)... (indicate approval/registration number(s) and name of the flag Member State(s))” substitute “from the approved/registered vessels flying the flag of the United Kingdom... (indicate approval/registration numbers)”;
 - (bb) in the third indent, for “Member State(s)” substitute “United Kingdom” in both places it occurs;
 - (ii) in the Notes, in Part 1, in the second indent, for “Member State” substitute “United Kingdom”.

69. In Annex 6b (1)(f) omit “situated within the territory of the same Member State,”.

Amendment of [Commission Regulation \(EC\) No. 282/2008](#) on recycled plastic materials and articles intended to come into contact with foods and amending [Regulation \(EC\) No. 2023/2006](#)

70. [Commission Regulation \(EC\) No. 282/2008](#) on recycled plastic materials and articles intended to come into contact with foods and amending [Regulation \(EC\) No. 2023/2006](#)(**24**) is amended as follows.

71. In Article 6A—

- (a) in paragraph (1)(c), for “Northern Ireland devolved authority” substitute “Department of Health”;
- (b) in paragraph (4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;
- (c) in paragraph 5(d), for “Northern Ireland devolved authority” substitute “Department of Health”.

(24) [Commission Regulation \(EC\) No. 282/2008](#), amended by the Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/704).

Amendment of Council Regulation (EC) No. 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station

72. Council Regulation (EC) No. 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station(25) is amended as follows.

73. In Article 5A—

(a) in paragraph 1, at the end insert—

“(f) “the Northern Ireland devolved authority” means the Department of Health or the Department of Agriculture, Environment and Rural Affairs.”;

(b) in paragraph 5(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Regulation (EC) No. 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings

74. Regulation (EC) No. 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings(26) is amended as follows.

75. In Article 14A(3)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97

76. Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97(27) is amended as follows.

77. In Article 15A—

(a) in paragraph 3(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;

(b) at the end insert—

“5. In this Regulation “Northern Ireland devolved authority” means the Department of Health.”.

Amendment of Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives

78. Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives(28) is amended as follows.

(25) Council Regulation (EC) No. 733/2008, amended by the Food and Feed (Chernobyl and Fukushima Restrictions) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/699).

(26) Regulation (EC) No. 1331/2008, amended by the Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(27) Regulation (EC) No. 1332/2008, amended by the Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(28) Regulation (EC) No. 1333/2008, amended by the Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

79. In Article 28A—

- (a) in paragraph 3(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;
- (b) at the end insert—

“5. In this Regulation “Northern Ireland devolved authority” means the Department of Health”.

Amendment of Regulation (EC) No. 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC

80. Regulation (EC) No. 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC(29) is amended as follows.

81. In Article 21A—

- (a) in paragraph 3(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;
- (b) at the end insert—

“5. In this Regulation “Northern Ireland devolved authority” means the Department of Health.”.

Amendment of Regulation (EC) No. 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No. 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

82. Regulation (EC) No. 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No. 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC(30) is amended as follows.

83. In Article 28A(3)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food

84. Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food(31) is amended as follows.

85. In Article 5A—

- (a) in paragraph (1)(c), for “Northern Ireland devolved authority” substitute “Department of Health”;
- (b) in paragraph (4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;

(29) Regulation (EC) No. 1334/2008, amended by the Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(30) Regulation (EC) No. 767/2009, amended by the Animal Feed (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/654).

(31) Commission Regulation (EU) No. 10/2011, amended by the Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/704).

- (c) in paragraph 5(d), for “Northern Ireland devolved authority” substitute “Department of Health”.

Amendment of Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat

86. Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat is amended as follows.

87. In Article 1(3), omit “in a Member States,”.

88. In Article 2(3)(c), for “territory of the Member State” substitute “United Kingdom”.

89. In Article 3—

(a) in paragraph (3)—

(i) in subparagraph (a), omit “in the Member State”;

(ii) at the end of subparagraph (b), omit “or”;

(iii) omit subparagraph (c);

(b) for paragraph (4) substitute—

“4. When carcasses and meat of domestic swine are exempt from *Trichinella* examination pursuant to a derogation under Article 3(3), the competent authority must collect the information referred to in Chapter 2 of Annex 4 and must maintain a list of holdings and compartments to which the derogation applies.”.

90. In Article 6(2), omit “or the EU reference laboratory”.

91. In the opening words of Article 7, for “The competent authorities of the Member States” substitute “The competent authority”.

92. Omit Article 8(2).

93. In Article 11, in the third paragraph, for “EU” substitute “national”.

94. Omit Article 12(2)(e).

95. In Article 13—

(a) in paragraph (1), for “Union” substitute “United Kingdom”;

(b) in the opening words of paragraph (2), for “Commission” substitute “competent authority”.

96. In Article 14—

(a) omit paragraph (1);

(b) in paragraph (2), for “Union” substitute “United Kingdom”;

(c) in paragraph (3), for “Union” substitute “United Kingdom”;

(d) in paragraph (4), for “Union” substitute “United Kingdom”;

(e) in paragraph (5), for “Union” substitute “United Kingdom”.

97. After Article 16, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

98. In Annex 1—

(a) in Chapter 1(3)(3) (positive or doubtful results), in the third paragraph omit “EU or”;

(b) in Chapter 2(D)(3)(3) (positive or doubtful results), in the fourth paragraph omit “EU or”.

99. In Annex 4—

- (a) in Chapter 1(C), for “The competent authorities in Member States” substitute “The competent authority”;
- (b) in Chapter 2 omit subparagraph (a).

Amendment of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, amending Regulation (EU) No. 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No. 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No. 1852/2001

100. Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, amending Regulation (EU) No. 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No. 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No. 1852/2001(32) is amended as follows.

101. In Article 32A(4)(d) for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Council Regulation (Euratom) 2016/52 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No. 3954/87 and Commission Regulations (Euratom) No. 944/89 and (Euratom) No. 770/90

102. Council Regulation (Euratom) 2016/52 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No. 3954/87 and Commission Regulations (Euratom) No. 944/89 and (Euratom) No. 770/90(33) is amended as follows.

103. In Article 5A(4)(d) for “being a” substitute “of the Northern Ireland Assembly, subject to”.

Amendment of Commission Implementing Regulation (EU) 2016/759 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No. 2074/2005 and repealing Decision 2003/812/EC

104. Commission Implementing Regulation (EU) 2016/759 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No. 2074/2005 and repealing Decision 2003/812/EC is amended as follows.

105. In Article 1, in the opening words, for “Member States are” substitute “the appropriate authority is”.

106. In Article 2, for “Union” substitute “United Kingdom” in both places it occurs.

107. In Article 3—

- (a) for “Member States are to authorise the transit through the Union” substitute “the appropriate authority is to authorise the transit through the United Kingdom”;
- (b) for “storage in the Union” substitute “storage in the United Kingdom”.

108. In Article 4, for “Union” substitute “United Kingdom” in both places it occurs.

(32) Regulation (EU) 2015/2283, amended by the Novel Food (Amendment) (EU Exit) Regulations 2019 (S.I.2019/702).

(33) Council Regulation (Euratom) 2016/52, amended by the Food and Feed (Maximum Permitted Levels of Radioactive Contamination) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/701).

109. Omit Article 5.

110. After Article 9, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

111. In Annex 1, Part 4, Section A, for “Union” substitute “United Kingdom”.

112. In Annexes 2, 3 and 4, for “EU” substitute “United Kingdom” in each place it occurs.

113. In Annex 2, Part 5—

- (a) for “European Union” substitute “United Kingdom” in each place it occurs, except where it occurs in the title to European Union legislation;
- (b) for “Union” substitute “United Kingdom”.

114. In Annex 3, in the heading, for “Union” substitute “United Kingdom”.

115. In Annex 4—

- (a) in point (a), in the third paragraph, for “Member State of destination” substitute “United Kingdom”;
- (b) for point (e), substitute—
 - “(e) The certificate must be drawn up in English or in English and Welsh, or be accompanied by a certified translation into English or into English and Welsh.”.

Amendment of Commission Implementing Regulation (EU) 2016/1843 on transitional measures for the application of Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for Trichinella

116. Commission Implementing Regulation (EU) 2016/1843 on transitional measures for the application of Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for Trichinella is amended as follows.

117. After Article 3, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment of Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council

118. Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council is amended as follows.

119. In Article 3(1), in the second paragraph, for “Member State of import” substitute “United Kingdom”.

120. In Article 3(2), in the second paragraph, for “Member State of import” substitute “United Kingdom”.

121. In Article 4, in the second paragraph, for “Member State of import” substitute “United Kingdom”.

122. After Article 5, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No. 999/2001, (EC) No. 396/2005, (EC) No. 1069/2009, (EC) No. 1107/2009, (EU) No. 1151/2012, (EU) No. 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No. 1/2005 and (EC) No. 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC

123. Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No. 999/2001, (EC) No. 396/2005, (EC) No. 1069/2009, (EC) No. 1107/2009, (EU) No. 1151/2012, (EU) No. 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No. 1/2005 and (EC) No. 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC**(34)** is amended as follows.

124. In Article 101A—

- (a) in paragraph (1)(c), for “Northern Ireland devolved authority” substitute “appropriate authority for Northern Ireland”;
- (b) in paragraph (4)(d), for “being a” substitute “of the Northern Ireland Assembly, subject to”;
- (c) in paragraph 5(d), for “Northern Ireland devolved authority” substitute “Department of Health or the Department of Agriculture, Environment and Rural Affairs”.

Amendment of Commission Implementing Decision (EU) 2018/2045

125. Commission Implementing Decision (EU) 2018/2045 renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × MON 810 (MON-ØØ6Ø3-6 × MON-ØØ81Ø-6) pursuant to Regulation (EC) No. 1829/2003 of the European Parliament and of the Council is amended as follows.

126. In Article 5(2), for “Commission” substitute “Food Safety Authority”.

127. For the heading to Article 6, substitute “Register”.

128. In Article 6, omit “Community”.

Amendment of Commission Implementing Decision (EU) 2018/2046

129. Commission Implementing Decision (EU) 2018/2046 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × 1507 × MON 88017 × 59122, and genetically modified maize combining two, three or four of the single events MON 87427, MON 89034, 1507, MON 88017 and 59122 and repealing Decision 2011/366/EU is amended as follows.

130. In Article 5(2), for “Commission” substitute “Food Safety Authority”.

(34) Regulation (EU) 2017/625, amended by the Official Controls for Feed, Food and Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/665).

131. For the heading to Article 6, substitute “Register”.

132. In Article 6, omit “Community”.

133. In the Annex—

(a) in point (f), omit “Community”;

(b) in point (h), omit “Community”;

(c) in the Note, in the final sentence, omit “Community”.

Signed by authority of the Secretary of State for Health and Social Care

Parliamentary Under Secretary of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular, the Regulations address the deficiency specified in section 8(2)(b) of that Act, namely the conferral of functions by retained EU law on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom.

These Regulations make amendments to legislation relating to the safety of food and animal feed. Part 2 amends subordinate legislation in England and Northern Ireland. Part 3 amends retained direct EU legislation for the whole of the United Kingdom.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.