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STATUTORY INSTRUMENTS

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**2004 No. 1265**

**FOOD, ENGLAND**

**The Food (Emergency Control) (England)  
(Miscellaneous Amendments) Regulations 2004**

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|-------------------------------|---------|---------------------|
| <i>Made</i>                   | - - - - | <i>4th May 2004</i> |
| <i>Laid before Parliament</i> |         | <i>5th May 2004</i> |
| <i>Coming into force</i>      | - -     | <i>6th May 2004</i> |

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section, makes the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Food (Emergency Control) (England) (Miscellaneous Amendments) Regulations 2004 and shall come into force on 6th May 2004.

**Amendment to the Food (Peanuts from China) (Emergency Control) (England) (No. 2) Regulations 2002**

2. In paragraph (1) of regulation 2 (interpretation) of the Food (Peanuts from China) (Emergency Control) (England) (No. 2) Regulations 2002<sup>(3)</sup> for the definition of “the Commission Decision” there shall be substituted the following definition —

““the Commission Decision” means Commission Decision [2002/79/EC](#) imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China<sup>(4)</sup> as amended by Commission Decision [2002/233/EC](#)<sup>(5)</sup>, Commission Decision [2002/678/EC](#)<sup>(6)</sup>, Commission Decision [2003/550/EC](#)<sup>(7)</sup> and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#),

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(1) S.I. [1972/1811](#), amended by S.I. [2002/794](#).

(2) [1972 c. 68](#).

(3) S.I. [2002/2350](#), amended by S.I. [2003/1958](#).

(4) OJ No. L34, 5.2.2002, p.21.

(5) OJ No. L78, 21.3.2002, p.14.

(6) OJ No. L229, 27.8.2002, p.33.

(7) OJ No. L187, 26.7.2003, p.39.

[2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community(8);”.

### **Amendment to the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002**

3. In paragraph (1) of regulation 2 (interpretation) of the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002(9) for the definition of “the Commission Decision” there shall be substituted the following definition —

““the Commission Decision” means Commission Decision [2002/80/EC](#) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey(10) as amended by Commission Decision [2002/233/EC](#), Commission Decision [2002/679/EC](#)(11), Commission Decision [2003/552/EC](#)(12) and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community;”.

### **Amendment to the Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003**

4. In paragraph (1) of regulation 2 (interpretation) of the Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003(13) for the definition of “the Commission Decision” there shall be substituted the following definition —

““the Commission Decision” means Commission Decision [2003/493/EC](#) imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil(14) as amended by the Commission Decision of 29th April 2004 amending Decision 2003/493/ec as regards the points of entry through which Brazil nuts in shell originating in or consigned from Brazil may only be imported into the Community(15);”.

### **Amendment to the Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003**

5. In paragraph (1) of regulation 2 (interpretation) of the Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003(16) for the definition of “the Commission Decision” there shall be substituted the following definition —

““the Commission Decision” means Commission Decision [97/830/EC](#) repealing Commission Decision [97/613/EC](#) and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran(17) as amended by Commission Decision [1998/400/EC](#)(18), Commission Decision [2000/238/EC](#)(19), Commission Decision [2003/551/EC](#)(20) and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/](#)

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(8) OJ No. L.

(9) S.I. [2002/2351](#), amended by S.I. [2003/1957](#).

(10) OJ No. L34, 5.2.2002, p.26.

(11) OJ No. L229, 27.8.2002, p.37.

(12) OJ No. L187, 26.7.2003, p.47.

(13) S.I. [2003/1722](#), to which there is an amendment not relevant to these Regulations.

(14) OJ No. L168, 5.7.2003, p.33.

(15) OJ No. L.

(16) S.I. [2003/1956](#).

(17) OJ No. L343, 13.12.1997, p.30.

(18) OJ No. L176, 20.6.1998, p.37.

(19) OJ No. L75, 24.3.2000, p.59.

(20) OJ No. L.187, 26.7.2003, p.43.

EC as regards the points of entry through which the products concerned may only be imported into the Community;”.

### **Amendment to the Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003**

6. In paragraph (1) of regulation 2 (interpretation) of the Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003<sup>(21)</sup> for the definition of “the Commission Decision” there shall be substituted the following definition —

““the Commission Decision” means Commission Decision [2000/49/EC](#) repealing Decision [1999/356/EC](#) and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt<sup>(22)</sup> as amended by Commission Decision [2003/580/EC](#)<sup>(23)</sup> and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community;”.

Signed by authority of the Secretary of State for Health

4th May 2004

*Melanie Johnson*  
Parliamentary Under Secretary of State,  
Department of Health

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<sup>(21)</sup> S.I. [2003/2074](#).

<sup>(22)</sup> OJ No. L19, 25.1.2000, p.46.

<sup>(23)</sup> OJ No. L197, 5.8.2003, p.31.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend —
  - (a) the Food (Peanuts from China) (Emergency Control) (England) (No. 2) Regulations 2002 (S.I.2002/2350 as already amended), the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002 (S.I. 2002/2351 as already amended), the Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956) and the Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074) to implement in relation to England the Commission Decision of 29th April 2004 amending Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community (*regulations 2, 3, 5 and 6*); and
  - (b) the Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722 as already amended) to implement in relation to England the Commission Decision of 29th April 2004 amending Decision 2003/493/EC as regards the points of entry through which Brazil nuts in shell originating in or consigned from Brazil may only be imported into the Community (*regulation 4*).
2. Each of the instruments that is amended by these Regulations implements in relation to England a Commission Decision imposing special conditions on the import of a certain type of food.
3. Each of those instruments provides that the food concerned has to be imported through certain points of entry listed in the relevant Decision.
4. Those points of entry are revised by the Decisions that are implemented by these Regulations.
5. No regulatory impact assessment has been prepared in relation to these Regulations.