

Annex A - Transposition plan and table

The Directive on Erucic acid (and its amendment) has already been transposed into national legislation by:

The Erucic Acid in Food Regulations 1977 (as amended)

The draft Contaminants in Food (England) Regulations 2013 will revoke and remake the provisions currently contained in the Erucic Acid in Food Regulations 1977. However, the requirements on food business operators remain the same.

Title	Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of Erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats Commission Directive 80/891/EEC of 25 July 1980 relating to the Community method of analysis for determining the Erucic acid content in oils and fats intended to be used as such for human consumption and foodstuffs containing added oils or fats
EU Legislation Ref.	Council Directive 76/621/EEC Commission Directive 80/891/EEC
Lead Department	Food Standards Agency
Lead Minister	Anna Soubry
TRANSPOSITION PROJECT PLAN/MILESTONES	
20 July 1976	Date the EU legislation was adopted
20 July 1976 and 25 July 1980	Published in the Official Journal of the EU http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31976L0621:EN:HTML http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31980L0891:EN:HTML
Dependencies and Issues	None Directive 76/621/EEC was last amended in 2003 by Council Regulation (EC) No 807/2003 ¹ .
Method of Transposition	The current national legislation on Erucic will be revoked by the new SI

¹ OJ L122, 16.5.2003, pg36 - Adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity)

September 2011	Decision taken to consolidate contaminants in food legislation Delivery plan on FSA website in March 2012)
March 2013	Consultation on consolidated SI.
September 2013	Lay regulations covering England. <i>NB</i> although the Red Tape Challenge only applies to England, NI, Scotland and Wales also intend to consolidate contaminants in food legislation into a single SI.
October 2013	Expected date for transposition in NI/Scotland/Wales
N/A	Expected date for transposition in Gibraltar The Erucic acid Directives were not transposed in Gibraltar as Article 95 is its legal base (free movement of goods). Therefore the Directive does not need to be transposed in Gibraltar.
N/A	Expected date for publication of guidance Guidance is not considered necessary as there are no changes to current provisions.
N/A	Planned date for notifying the Commission of transposition
1st October 2013	UK legislation contaminants in food legislation enters into force
N/A	Final transposition deadline (from the EU legislation) All the current Directives on Erucic have already been transposed into national legislation.
5 years after coming into force date	Proposed date for review of SI.

Transposition table

Articles in Directive 76/621/EEC and Directive 80/891/EEC	Copy out	If no – Reason for Elaboration	National Provision
Article 1 General article covering scope of Directive. <i>Article 1 (a) to oils, fats or</i>	Yes		Regulation 3(1)(a) implements Article (a). Regulation 3(1)(b) implements the first sentence of Article 1(b). Regulation 3(1)(c) puts in

<p><i>mixtures thereof which are intended as such for human consumption</i></p> <p><i>Article 1 (b)</i> To compound foodstuffs to which oils fats or mixtures thereof have been added and the overall fat content of which exceeds 5%, Members States may however, also apply the provision of this Directive to these foodstuffs when their fat content is equal or to or less than 5%</p>			<p>place the national provision provided for by the second sentence of Article 1(b).</p>
<p>Article 2 (1)</p> <p>Covers the controls on Erucic acid – it requires that the level of Erucic acid of the products referred to in Article 1, calculated on the total level of fatty acids in the fat component, may not be greater than 5 %</p>	<p>Yes</p>		<p>Regulation 4(1) transposes the Erucic acid limits specified in Article 2(1), and restricts the application of those limits to foods ready for delivery to the final consumer</p>
<p>Article 3, as read with Commission Directive 80/891/EEC adopted under the procedure referred to in Article 5</p> <p>Applies to the sampling procedures and methods of analysis necessary to establish the level of Erucic acid of the products referred to in Article</p>			<p>Regulation 4(2) transposes by reference the provisions of Article 2 of and the Annex to Directive 80/891</p>

1 shall be determined in accordance with the procedure laid down in Article 5.			
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