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DRAFT STATUTORY INSTRUMENTS

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**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 FOOD AND FEED HYGIENE AND  
SAFETY (MISCELLANEOUS AMENDMENTS)  
(EU EXIT) REGULATIONS 2019**

**PART1**

**Introduction**

1. Citation and commencement
2. These Regulations come into force on the later of exit...

**PART2**

**Amendment of subordinate legislation**

3. Amendment of the Food Hygiene Regulations (Northern Ireland) 2006
4. In regulation 17— (a) in paragraph (1)—
5. Amendment of the Fishery Products (Official Controls Charges) (England) Regulations 2007
6. In regulation 2— (a) for the definition “third country” substitute—...
7. For regulation 4 substitute— Any reference in these Regulations to a specified number of...
8. Amendment of the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007
9. In regulation 2— (a) for the definition “third country” substitute—...
10. For regulation 4 substitute— Any reference in these Regulations to a specified number of...
11. Amendment of the Food Irradiation (England) Regulations 2009

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12. In regulation 3(1)— (a) in the definition “import”, for “another...
13. In regulation 5(1)— (a) for sub-paragraph (b) substitute—
14. For the heading to Schedule 3 substitute— List of Facilities...
15. Amendment of the Food Irradiation Regulations (Northern Ireland) 2009
16. Amendment of the Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011
17. In regulation 3(2) insert “United Kingdom” after “the” and before...
18. Amendment of the Food Safety (Sampling and Qualifications) (England) Regulations 2013
19. In Schedule 2— (a) in Part 1, in paragraph 6,...
20. Amendment of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013
21. In Schedule 2— (a) in Part 1, in paragraph 6,...
22. Amendment of the Food Safety and Hygiene (England) Regulations 2013
23. In regulation 19— (a) in paragraph (1), for “(8)” substitute...

### PART3

#### Amendment of retained direct EU legislation

24. Amendment of Council Regulation (EEC) No. 315/93 laying down Community procedures for contaminants in food
25. In Article 2(7)(d), for “being a” substitute “of the Northern...
26. 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
27. In Article 3, at the end insert— “Northern Ireland devolved authority” means the Department of Health or...
28. In Article 18(16) omit “annulment in pursuance of a”.
29. Amendment of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed
30. In Article 35(4)(d), for “being a” substitute “of the Northern...
31. Amendment of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition
32. In Article 18A(4)(d), for “being a” substitute “of the Northern...
33. 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
34. In Article 3(5)(b), for “Scotland;” substitute “Scotland;”.
35. In Article 7(2), after subparagraph (b) insert—
36. In Article 19A(4)(d), for “being a” substitute “of the Northern...
37. Amendment of Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs
38. In Article 14(4)(d), for “being a” substitute “of the Northern...
39. 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
40. In Article 12(4)(d), for “being a” substitute “of the Northern...
41. In Annex 2, Section 1, Part B, paragraph 7, for...
42. 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
43. In Article 15(2)(b)(ii), in the third indent, for “retained EU...

44. In Article 19(4)(d), for “being a” substitute “of the Northern...
45. In Annex 1, Section 1, Chapter 3, paragraph 3, for...
46. In Annex 1, Section 3, Chapter 2, in paragraph 3(e),...
47. “This concerns animals susceptible to the particular disease in question...
48. In Annex 3, Chapter 1, for paragraph 2(c) substitute—
49. In Annex 6, for paragraph 2 substitute— Certificates must be drawn up in English or in English...
50. 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
51. In Article 63A— (a) in paragraph (1)(c), for ““Northern Ireland...
52. 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
53. In Article 23A(4)(d), for “being a” substitute “of the Northern...
54. Amendment to Regulation (EC) No. 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene
55. In Article 31A(4)(d), for “being a” substitute “of the Northern...
56. 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
57. In Article 4(8)(d), for “being a” substitute “of the Northern...
58. Amendment of Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs
59. In Article 2(g) omit “, including sprouts,”.
60. 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
61. In the heading to Article 6c, for “Member States entering...
62. In Article 6c (1)— (a) for “a Member State” substitute...
63. In Article 7— (a) in paragraph 1—
64. After Article 10, omit “This Regulation shall be binding in...
65. In Annex 1, in Section 2— (a) in Chapter 1,...
66. In Annex 2, in Section 2, Chapter 1—
67. In Annex 3, in Chapter 3— (a) in Part A—...
68. Omit Annex 5.
69. In Annex 6— (a) in the Appendices, for “EU” substitute...
70. In Annex 6b (1)(f) omit “situated within the territory of...
71. 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
72. In Article 6A— (a) in paragraph (1)(c), for ““Northern Ireland...
73. 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

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74. In Article 5A— (a) in paragraph 1, at the end...
75. 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
76. In Article 14A(4)(d), for “being a” substitute “of the Northern...
77. 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
78. In Article 15A— (a) in paragraph 4(d), for “being a”...
79. Amendment of Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives
80. In Article 28A— (a) in paragraph 4(d), for “being a”...
81. 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
82. In Article 21A— (a) in paragraph 4(d), for “being a”...
83. 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
84. In Article 28A(4)(d), for “being a” substitute “of the Northern...
85. Amendment of Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food
86. In Article 5A— (a) in paragraph (1)(c), for ““Northern Ireland...
87. Amendment of Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat
88. In Article 1(3), omit “in a Member States,”.
89. In Article 2(3)(c), for “territory of the Member State” substitute...
90. In Article 3— (a) in paragraph (3)—
91. In Article 6(2), omit “or the EU reference laboratory”.
92. In the opening words of Article 7, for “The competent...
93. Omit Article 8(2).
94. In Article 11, in the third paragraph, for “EU” substitute...
95. Omit Article 12(2)(e).
96. In Article 13— (a) in paragraph (1), for “Union” substitute...
97. In Article 14— (a) omit paragraph (1);
98. After Article 16, omit “This Regulation shall be binding in...
99. In Annex 1— (a) in Chapter 1(3)(3) (positive or doubtful...
100. In Annex 4— (a) in Chapter 1(C), for “The competent...
101. 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
102. In Article 32A(4)(d) for “being a” substitute “of the Northern...
103. 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,

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- and repealing Regulation (Euratom) No. 3954/87 and Commission Regulations (Euratom) No. 944/89 and (Euratom) No. 770/90
104. In Article 5A(4)(d) for “being a” substitute “of the Northern...
105. 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
106. In Article 1, in the opening words, for “Member States...
107. In Article 2, for “Union” substitute “United Kingdom” in both...
108. In Article 3— (a) for “Member States are to authorise...
109. In Article 4, for “Union” substitute “United Kingdom” in both...
110. Omit Article 5.
111. After Article 9, omit “This Regulation shall be binding in...
112. In Annex 1, Part 4, Section A, for “Union” substitute...
113. In Annexes 2, 3 and 4, for “EU” substitute “United...
114. In Annex 2, Part 5— (a) for “European Union” substitute...
115. In Annex 3, in the heading, for “Union” substitute “United...
116. In Annex 4— (a) in point (a), in the third...
117. 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
118. After Article 3, omit “This Regulation shall be binding in...
119. 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
120. In Article 3(1), in the second paragraph, for “Member State...
121. In Article 3(2), in the second paragraph, for “Member State...
122. In Article 4, in the second paragraph, for “Member State...
123. After Article 5, omit “This Regulation shall be binding in...
124. 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
125. In Article 101A— (a) in paragraph (1)(c), for ““Northern Ireland...
126. Amendment of Commission Implementing Decision (EU) 2018/2045
127. In Article 5(2), for “Commission” substitute “Food Safety Authority”.
128. For the heading to Article 6, substitute “Register”.
129. In Article 6, omit “Community”.
130. Amendment of Commission Implementing Decision (EU) 2018/2046
131. In Article 5(2), for “Commission” substitute “Food Safety Authority”.

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132. For the heading to Article 6, substitute “Register”.
133. In Article 6, omit “Community”.
134. In the Annex— (a) in point (f), omit “Community”;  
Signature  
Explanatory Note