The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for any reference to an EU instrument defined in the Schedule to the Fishery Product (Official Controls Charges) (England) Regulations 2007(2) to be construed in accordance with regulation 2(3) of those Regulations as amended by these Regulations as a reference to that instrument as amended from time to time.

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

Title and commencement

1. These Regulations may be cited as the Fishery Products (Official Controls Charges) (England) (Amendment) Regulations 2019 and come into force on 14th December 2019.

(1) 1972 c.68.
(2) S.I. 2007/3392.
Amendment of the Fishery Products (Official Controls Charges) (England) Regulations 2007

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

3. In regulation 2 (interpretation)—
   (a) at paragraph (1)—
      (i) for the definitions paragraph—
         substitute—
      (ii) in the definition “first placing on the market”, for “Regulation 882/2004” substitute “Regulation 2017/625”;
      (iii) in the definition “first sale in a fish market”, for “Regulation 882/2004” substitute “Regulation 2017/625”;
      (iv) in the definition “official controls”, for “paragraph 1 of Article 2 of Regulation 882/2004” substitute “Article 2(1) of Regulation 2017/625”;
      (v) in the definition “processing”, for “Chapter V of Section B of Annex IV to Regulation 882/2004” substitute “Regulation 2017/625”;
      (vi) in the definition “third country import” for “is payable under regulation 54 of the Products of Animal Origin (Third Country Imports) (England) Regulations 2006” substitute “set out in Annex 4 to Regulation 2017/625 is payable”;
   (b) after paragraph (2) insert—
      “(3) In these Regulations, any reference to an EU instrument defined in the Schedule is a reference to that instrument as amended from time to time.”.

4. In regulation 3 (actual costs)—
   (a) for “listed in Annex VI to Regulation 882/2004” substitute “referred to in Articles 81 and 82 of Regulation 2017/625”;
   (b) for “Annex III to Regulation 854/2004” substitute “Title 6 of and Annex 6 to Regulation 2017/627”.

5. In regulation 4 (Sterling equivalents of Euro), in paragraph (3)—
   (a) after “in each subsequent year” insert “until the coming into force of the Fishery Product (Official Controls Charges) (England) (Amendment) Regulations 2019”;
   (b) after sub-paragraph (b) insert—
      “(c) after the coming into force of the Fishery Product (Official Controls Charges) (England) (Amendment) Regulations 2019, the average of the rates published in the C Series of the Official Journal of the European Union for each of the days during the period of charge when the rate is published.”.


8. For the Schedule (definitions of Community legislation), substitute the Schedule set out in the Schedule to these Regulations.

Review

9.—(1) The Food Standards Agency must from time to time—
   (a) carry out a review of the operation and effect of these Regulations;
   (b) set out the conclusions of the review in a report; and
   (c) publish the report.

(2) The report must in particular—
   (a) set out the objectives intended to be achieved by the regulatory provisions made by these Regulations;
   (b) assess the extent to which those objectives are achieved; and
   (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

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

Jo Churchill
Parliamentary Under Secretary of State,
Department of Health and Social Care

22nd November 2019
“THE SCHEDULE

DEFINITIONS OF EU LEGISLATION


“Regulation 2406/96” means Council Regulation (EC) No. 2406/96 laying down common marketing standards for certain fishery products(5);


“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(9);


“Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat(11);


“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the

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EXPLANATORY NOTE

(This note is not part of the Regulations)


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A full impact assessment of the effect that these Regulations will have on the costs of business and food authorities is available from the Food Standards Agency, Clive House, 70 Petty France, London SW1H 9EX, and is also available together with these Regulations at www.legislation.gov.uk.