

2019 No. 1474

FOOD, ENGLAND

**The Fishery Products (Official Controls Charges) (England)
(Amendment) Regulations 2019**

Made - - - - 22nd November 2019

Coming into force - - 14th December 2019

To be laid before Parliament

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

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^(b) 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^(c) 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.

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) 1972 c.68.

(b) S.I. 2007/3392.

(c) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2019/1243 (OJ No. L198, 25.7.2019, p.241).

- (a) at paragraph (1)—
- (i) for the definitions paragraph—
- ““Directive 2004/41”, “Regulation 2406/96”, “Regulation 852/2004, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005” and “Regulation 2076/2005” have the meanings respectively given to them in the Schedule;”

substitute—

- ““Directive 2004/41”, “Regulation 2406/96”, “Regulation 852/2004, “Regulation 853/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2015/1375”, “Regulation 2017/185”, “Regulation 2017/625”, “Regulation 2019/624” and “Regulation 2019/627” have the meanings respectively given to them in the Schedule;”;
- (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 2019/627”.

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.”.

6. In regulation 9 (sums remitted from one food authority to another), for “Annex III to Regulation 854/2004” substitute “Title 6 of and Annex 6 to Regulation 2019/627”.

7. In Part 2 (official controls charges other than charges for third country imports), for “Annex III to Regulation 854/2004” substitute “Title 6 of and Annex 6 to Regulation 2019/627” in each place it occurs.

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

SCHEDULE

Regulation 8

“THE SCHEDULE

DEFINITIONS OF EU LEGISLATION

“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(a);

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

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(c) as read with Regulation 2073/2005;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(d) as read with Directive 2004/41, Regulation 1688/2005 and Regulation 2074/2005 and Regulation 2017/185;

(a) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(b) OJ No. L334, 23.12.1996, p.1.

(c) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).

(d) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).

“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(a);

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

“Regulation 2074/2005” means 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(c);

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

“Regulation 2017/185” means 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(e);

“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 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(f) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185;

“Regulation 2019/624” means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(g) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185;

“Regulation 2019/627” means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls(h) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185.”

(a) OJ No. L271, 15.10.2005, p.17.

(b) OJ No. L338, 22.12.2005, p.1, as read with the Corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62.

(c) OJ No. L338, 22.12.2005, p.27.

(d) OJ L No. L212, 11.8.2015, p. 7.

(e) OJ No. L29, 3.2.2017, p. 21.

(f) OJ No. L 95, 7.4.2017, p. 1.

(g) OJ No. L 131, 17.5.2019, p. 1.

(h) OJ No. L 131, 17.5.2019, p. 51.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fishery Products (Official Controls Charges) (England) Regulations 2009 (S.I. 2007/3392) by updating references to EU legislation that has been revoked and replaced by 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 (OJ No. L95, 7.4.2017, p. 1), Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ No. L131, 17.5.2019, p. 1.) and Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls (OJ No. L131, 17.5.2019, p. 51.).

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.

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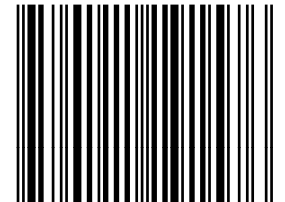
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