

STATUTORY INSTRUMENTS

2019 No. 642

The General Food Hygiene (Amendment) (EU Exit) Regulations 2019

PART 2

Amendment of retained direct EU legislation

Amendment of Regulation (EC) 852/2004

2. Regulation (EC) 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs is amended as follows.

Commencement Information

- I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

3. In Article 1—

- [^{F1}(a) in paragraph 1(g), for “the Community” substitute “Great Britain”];
(b) omit paragraph 3.

Textual Amendments

- F1** Reg. 3(a) substituted (31.12.2020 immediately before IP completion day) by The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504), regs. 1(2), **11(2)**

Commencement Information

- I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

4. In Article 2, in paragraph 1—

- (a) in point (d), omit “of a Member State”;
(b) for point (g), substitute—
 “(g) “potable water” means—
 (i) as regards England, water meeting the requirements laid down in the Private Water Supplies (England) Regulations 2016 ^{M1};

- (ii) as regards Wales, water meeting the requirements laid down in the Private Water Supplies (Wales) Regulations 2017 ^{M2};
- (iii) as regards Scotland, water meeting the requirements laid down in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ^{M3};
- ^{F2}(iv)”;
- (c) after point (o), insert—
 - “(p) “Food Safety Authority” means—
 - (i) as regards [^{F3}England and Wales], the Food Standards Agency;
 - (ii) as regards Scotland, Food Standards Scotland;
 - (q) “prescribed” means prescribed by regulations;
 - (r) “appropriate authority” means—
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - ^{F4}(iv)
 - ^{F4}(s)”.

Textual Amendments	
F2	Words in reg. 4(b) omitted (31.12.2020 immediately before IP completion day) by virtue of The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504) , regs. 1(2), 11(3)(a)
F3	Words in reg. 4(c) substituted (31.12.2020 immediately before IP completion day) by The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504) , regs. 1(2), 11(3)(b)(i)
F4	Words in reg. 4(c) omitted (31.12.2020 immediately before IP completion day) by virtue of The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504) , regs. 1(2), 11(3)(b)(ii)
Commencement Information	
I3	Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1
Marginal Citations	
M1	S.I. 2016/618 , amended by S.I. 2017/506 , S.I. 2018/707 .
M2	S.I. 2017/1041 , amended by S.I. 2018/647 .
M3	S.S.I. 2017/282 .

- 5. In Article 4—
 - (a) for paragraph 4, substitute—

“4. The criteria, requirements and targets referred to in paragraph 3, and associated sampling and analysis methods shall be prescribed by the appropriate authority.”;

[^{F5}(b) in paragraph 5, for “Community or national legislation” substitute “ applicable legislation in force in the relevant constituent territory of Great Britain ”.]

Textual Amendments

F5 Reg. 5(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(4)**

Commencement Information

I4 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

6. In Article 5, omit paragraph 5.

Commencement Information

I5 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

7. In Article 6—

(a) for paragraph 1, substitute—

“1. Food business operators shall cooperate with the competent authorities in accordance with [^{F6}the legislation in force in the relevant constituent territory of Great Britain].”;

(b) for paragraph 3, substitute—

“3. However, food business operators shall ensure that establishments are approved by the competent authority, following at least one on-site visit, when approval is required under Regulation ([EC](#)) No. 853/2004.”.

Textual Amendments

F6 Words in reg. 7(a) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(5)**

Commencement Information

I6 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

8. For Article 7, substitute—

“The Food Safety Authority shall encourage the development of guides to good practice for hygiene and for the application of the HACCP principles in accordance with Article 8. The

dissemination and use of guides shall be encouraged. Nevertheless, food business operators may use these guides on a voluntary basis.”.

Commencement Information

I7 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

9. In Article 8—

- (a) in the heading, omit “National”;
- (b) in paragraph 1, omit “national”;
- (c) for paragraph 2, substitute—

“2. Guides may be developed under the aegis of a standards institute”.

- (d) in paragraph 3, for the first line, substitute—

“The Food Safety Authority shall assess guides in order to ensure that—”;

- (e) omit paragraph 4;
- (f) omit paragraph 5.

Commencement Information

I8 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

10. Article 9 is omitted.

Commencement Information

I9 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

11. Article 12 is omitted.

Commencement Information

I10 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

12. In Article 13—

- (a) for paragraph 1, substitute—

“1. Annexes 1 and 2 may be adapted or updated by the appropriate authority taking into account—

- (a) the need to revise the recommendations set out in Annex 1. Part B, paragraph 2;
 - (b) the experience gained from the implementation of HACCP-based systems pursuant to Article 5;
 - (c) technological developments and their practical consequences and consumer expectations with regard to food composition;
 - (d) scientific advice, particularly new risk assessments;
 - (e) microbiological and temperature criteria for foodstuffs.”;
- (b) for paragraph 2, substitute—

“2. Derogations from Annexes 1 and 2 may be prescribed by the appropriate authority, in particular in order to facilitate the implementation of Article 5 for small businesses, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the objectives of this Regulation.”;

- (c) for paragraph 3, substitute—

“3. Nothing in this Regulation prevents the appropriate authority from using any power which the appropriate authority has to make subordinate legislation adapting the requirements set down in Annex 2 where that legislation does not compromise the achievement of the objectives of this Regulation and—

- (a) the adaptations have the aim of—
 - (i) enabling the continued use of traditional methods, at any of the stages of production, processing or distribution of food; or
 - (ii) accommodating the needs of food businesses situated in regions that are subject to special geographical constraints;
 - (b) in cases not involving the matters at (a), the adaptations apply only to the construction, layout and equipment of establishments.”;
- (d) omit paragraphs 4, 5, 6 and 7.

Commencement Information

III Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

13. In Article 14—

- (a) for the heading, substitute “ Regulations and devolved powers ”;
- (b) for the Article, substitute—

“1. Any power to make regulations under this Regulation—

- (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;

(b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;

^{F7}(c)

2. For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M4} (Scottish statutory instruments).

3. Any power to make regulations under this Regulation includes power—

(a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);

(b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.

4. Any statutory instrument, Scottish statutory instrument ^{F8}... containing regulations under this Regulation is subject to annulment in pursuance of a resolution—

(a) in the case of England, of either House of Parliament;

(b) in the case of Wales, of [^{F9}Senedd Cymru];

(c) in the case of Scotland, of the Scottish Parliament;

^{F10}(d)

5. In this Regulation, any power—

(a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;

(b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;

(c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;

^{F11}(d)”.

Textual Amendments

F7 Words in reg. 13(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(6)(a)**

F8 Words in reg. 13(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(6)(b)(i)**

F9 Words in reg. 13(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(6)(b)(ii)**

F10 Words in reg. 13(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(6)(b)(iii)**

F11 Words in reg. 13(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(6)(c)**

Commencement Information

I12 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1](#)

Marginal Citations

M4 [2010 asp 10](#).

14. In Article 15—

(a) in the heading, omit “European”;

(b) in the Article—

(i) for “Commission”, substitute “ appropriate authority ”;

(ii) omit “European”.

Commencement Information

I13 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1](#)

15. Omit Article 16.

Commencement Information

I14 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1](#)

16. In Article 17, omit paragraph 4.

Commencement Information

I15 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1](#)

17. After Article 18, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

- I16** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

18. In Annex 1—

[^{F12}(a) in Part A, in paragraph 3, for “Community and national legislative provisions” substitute “legislation in force in the relevant constituent territory of Great Britain”];

(b) in Part B—

(i) for paragraph 1, substitute—

“1. Guides referred to in Article 7 of this Regulation should contain guidance on good hygiene practice for the control of hazards in primary production and associated operations.”;

[^{F13}(ii) in paragraph 2, at the beginning, for “Community and national legislation or national and Community programmes” substitute “legislation in force in the relevant constituent territory of Great Britain”.]

Textual Amendments

- F12** Reg. 18(a) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **11(7)(a)**
- F13** Reg. 18(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **11(7)(b)**

Commencement Information

- I17** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

19. In Annex 2 —

(a) in Chapter 4, in paragraph 4, for “in one or more Community languages”, substitute, “ in English, or, in English and Welsh ”;

(b) in Chapter 6, in paragraph 4, omit “Community”;

(c) in Chapter 12, in paragraph 3, for “national” substitute “ United Kingdom ”.

Commencement Information

- I18** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment of Regulation (EC) 2073/2005

20. Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs is amended as follows.

Commencement Information

I19 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

21. In Article 1, in the second paragraph, omit “Community”.

Commencement Information

I20 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

22. In Article 2—

^{F14}(a)

(b) in paragraph (h), for “Commission Directive [91/321/EEC](#)”, substitute “ Regulation (EU) No 609/2013 ”;

(c) in paragraph (i), for “Commission Directive [1999/21/EC](#)”, substitute “ Regulation (EU) No 609/2013 ”.

Textual Amendments

F14 Reg. 22(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), [11\(8\)](#)

Commencement Information

I21 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

23. Omit Article 8.

Commencement Information

I22 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

24. After Article 12, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I23 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation (EU) 579/2014

25. Regulation (EU) 579/2014 granting derogation from certain provisions of Annex 2 to Regulation (EC) 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea is amended as follows.

Commencement Information

I24 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

26. After Article 5, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I25 Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Amendment of Regulation (EU) 2017/2158

27. Regulation (EU) 2017/2158 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food is amended as follows.

Commencement Information

I26 Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

[^{F15}28. In Article 1, omit “Union”.]

Textual Amendments

F15 Reg. 28 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(9)**

Commencement Information

I27 Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

29. In Article 3, after paragraph (2), insert—

“(3) “competent authority” means the central authority competent to ensure compliance with the requirements of this Regulation or any other authority to which that central authority has delegated competence;

(4) “appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) ^{F16}

Textual Amendments

F16 Words in reg. 29 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **11(10)**

Commencement Information

I28 Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

30. In Article 5—

- (a) in the first paragraph, for “Commission”, substitute “ appropriate authority ”;
- (b) in the second paragraph, omit “from the Authority's database related to the review period and provided to the Authority's database by competent authorities and food business operators”.

Commencement Information

I29 Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

31. After Article 6, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I30 Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The General Food Hygiene (Amendment) (EU Exit) Regulations 2019, PART 2.