
STATUTORY INSTRUMENTS

2019 No. 778

**EXITING THE EUROPEAN UNION
ANIMALS
ENVIRONMENTAL PROTECTION
FOOD
INTELLECTUAL PROPERTY**

The Environment, Food and Rural Affairs
(Amendment) (EU Exit) Regulations 2019

Made - - - - 29th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018^{M1}.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In relation to Parts 2 and 3 of this instrument, there has been consultation 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^{M2}.

Marginal Citations

M1 2018 c. 16.

M2 OJ No L 31, 1.2.2002, p 1, to which there are amendments not relevant to these Regulations.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

Commencement Information

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

PART 2

Amendment of subordinate legislation relating to food and drink in England

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007

2. In the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007^{M3} after regulation 9 insert—

“Transitional provision: withdrawal from the EEA and the EU

9A.—(1) The following waters are accredited, that is to say treated for the purposes of these Regulations as if they were natural mineral waters recognised by the Secretary of State under regulation 4(1)(d)(i)—

- (a) established EU recognised natural mineral waters;
- (b) established Icelandic recognised natural mineral waters;
- (c) established Norwegian recognised natural mineral waters.

(2) The accreditation in paragraph (1) continues to have effect in relation to a natural mineral water to which sub-paragraph (a), (b) or (c) of that paragraph applies until the relevant accreditation cessation date.

(3) In the case of an established EU recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated by the responsible authority in at least one member State as a recognised mineral water for the purposes of Directive 2009/54/EC^{M4}, the Secretary of State may notify the Commission that the accreditation provided for in paragraph (1)(a) in relation to established EU recognised natural mineral waters is to cease.

(4) In the case of an established Icelandic recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated as a recognised mineral water in Iceland for the purposes of Directive 2009/54/EC, the Secretary of State may notify the Icelandic Food and Veterinary Authority that the accreditation provided for in paragraph (1)(b) in relation to established Icelandic recognised natural mineral waters is to cease.

(5) In the case of an established Norwegian recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated in Norway as a recognised mineral water for the purposes of Directive [2009/54/EC](#), the Secretary of State may notify the Norwegian Food Safety Authority that the accreditation provided for in paragraph (1)(c) in relation to established Norwegian recognised natural mineral waters is to cease.

(6) No notification may be given under paragraph (3), (4) or (5) before the end of the period of six months beginning on the day on which [F¹IP completion] day falls.

(7) The accreditation cessation date specified in a notification given under paragraph (3), (4) or (5) must be a date that is at least six months after the date on which the notification is given, beginning with the day after the day on which that notification is given.

(8) The Secretary of State must publish a copy of any notification given under paragraph (3), (4) or (5) in such manner as appears appropriate to the Secretary of State in order to bring its effect to the notice of those that the Secretary of State considers likely to be, or representative of those likely to be, affected in England as soon as is reasonably practicable.

(9) The Secretary of State must from time to time publish, in such manner as appears appropriate to the Secretary of State, a list of the names of the established EU, Icelandic and Norwegian recognised natural mineral waters that are treated as accredited natural mineral waters under paragraph (1) (“the paragraph 9 list”).

(10) Where a notification is given under paragraph (3), (4) or (5), the Secretary of State must update the paragraph 9 list as soon as reasonably practicable after the accreditation cessation date specified in the notification.

(11) The paragraph 9 list is to be treated as conclusive evidence that the waters are accredited natural mineral waters for the purposes of these Regulations.

(12) In this regulation—

“accreditation cessation date” means the cessation date as notified by the Secretary of State under paragraph (3), (4) or (5);

“Directive [2009/54/EC](#)” means Directive [2009/54/EC](#) as incorporated into the EEA agreement, and as it had effect, immediately before [F²IP completion] day;

“established EU recognised natural mineral water” means—

(a) a natural mineral water extracted from the ground in any member State—

(i) that immediately before [F²IP completion] day had the status of a recognised natural mineral water for the purposes of Directive [2009/54/EC](#), and

(ii) for which that recognition remains in force;

(b) a natural mineral water extracted from the ground in a third country—

(i) that immediately before [F²IP completion] day had the status of a recognised natural mineral water for the purposes of Directive [2009/54/EC](#), having been recognised by any member State as a natural mineral water for the purpose of Directive [2009/54/EC](#) based on a certificate (“Article 1(2) certificate”) of the type referred to in the second subparagraph of Article 1(2) of Directive [2009/54/EC](#) issued by the responsible authority in the country of extraction,

(ii) for which that recognition remains in force, and

(iii) for which the Article 1(2) certificate remains valid;

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Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

“established Icelandic recognised natural mineral water” means a natural mineral waters extracted from the ground in Iceland—

- (a) that immediately before [F2IP completion] day had the status of a recognised natural mineral waters for the purposes of Directive 2009/54/EC, and
- (b) for which that recognition remains in force;

“established Norwegian recognised natural mineral water” means a natural mineral water extracted from the ground in Norway—

- (a) that immediately before [F2IP completion] day had the status of a recognised natural mineral water for the purpose of Directive 2009/54EC, and
- (b) for which that recognition remains in force;

“established recognised UK natural mineral water” means a natural mineral water extracted from the ground in the United Kingdom—

- (a) that immediately before [F2IP completion] day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC, and
- (b) for which that recognition remains in force;

“member State” means a member State of the EU as constituted immediately after [F2IP completion] day;

“third country” has the same meaning as in Directive 2009/54/EC as it had effect immediately before [F2IP completion] day.”.

Textual Amendments	
F1	Words in reg. 2 substituted (31.12.2020 immediately before IP completion day) by The Food (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1501) , regs. 1(a), 5(2)(a)
F2	Words in reg. 2 substituted (31.12.2020 immediately before IP completion day) by The Food (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1501) , regs. 1(a), 5(2)(b)
Commencement Information	
I2	Reg. 2 in force at 31.12.2020 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1
Marginal Citations	
M3	S.I. 2007/2785 , to which there are amendments not relevant to these Regulations.
M4	OJ No L 164, 26.6.2009, p. 45.

PART 3

Amendment of retained direct EU legislation relating to food and drink

PROSPECTIVE
Regulation (EC) No 110/2008 of the European Parliament and of the Council
F3

Textual Amendments

- F3** Reg. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), 5

Regulation (EU) No 1169/2011 of the European Parliament and of the Council

4.—(1) Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers is amended as follows.

(2) In Article 2(2), after point ^{F4}(z1)] insert—

^{F5}“(z2)] ‘type C regulations’ means any regulations made under a provision of this Regulation listed in Annex 16;

^{F6}(z3)] ‘type D regulations’ means any regulations made under a provision of this Regulation listed in Annex 17;

^{F7}(z4)] ‘type E regulations’ means any regulations made under Article 23(2);”.

(3) In Article 3—

(a) in paragraph 2, for the words from the beginning to “taking” substitute “ Type C, D and E regulations must take ”;

(b) in paragraph 3, for “food information law establishes” substitute “ type C, D or E regulations establish ”.

(4) In Article 9—

(a) in paragraph 3—

(i) in the first subparagraph, for the words from “the Commission” to “^{F8}acts referred to in]” substitute “regulations are made under”;

(ii) in the second subparagraph—

(aa) for “, the Commission, taking into account” substitute “ and ”;

(bb) for the words from “, may establish” to “Article 51,” substitute “ is taken into account, regulations may be made to establish ”;

(b) in paragraph 4—

(i) for “the Commission may adopt implementing acts” substitute “ regulations may be made ”;

(ii) omit the second sentence.

(5) In Article 10(2)—

(a) in the first subparagraph, for the words from “the Commission” to the end substitute “ regulations may amend Annex 3. ”;

(b) omit the second subparagraph.

(6) In Article 12—

(a) in paragraph 3—

(i) for “, the Commission, taking into account” substitute “ and ”;

(ii) for the words from “, may establish” to “Article 51,” substitute “ is taken into account, regulations may establish ”;

(b) in paragraph 4—

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- (i) for “the Commission may adopt implementing acts” substitute “ regulations may be made ”;
 - (ii) omit the second sentence.
- (7) In Article 13(4)—
- (a) in the first subparagraph, for the words from “the Commission” to “Article 51,” substitute “ regulations may be made to ”;
 - (b) in the second subparagraph, for the words from “the Commission” to “Article 51,” substitute “ regulations may be made to ”.
- (8) In Article 19(2), for the words from “the Commission” to “Article 51,” substitute “ regulations may be made, in exceptional cases, to ”.
- (9) In Article 21(2)—
- (a) in the first subparagraph, for the words from “Commission” to the end substitute “ appropriate authority must systematically re-examine the list in Annex 2. Where considered necessary by the appropriate authority, that list must be updated by regulations ”;
 - (b) omit the second subparagraph.
- (10) In Article 23(2)—
- (a) for “the Commission may” substitute “ regulations may be made to ”;
 - (b) omit the words from “, by means” to “Article 51,”.
- (11) In Article 24(3)—
- (a) for “the Commission may adopt implementing acts” substitute “ regulations may be made ”;
 - (b) omit the second sentence.
- (12) In Article 26—
- (a) in paragraph 2(b), for the words from “shall be” to the end substitute “ is subject to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry and any regulations made under paragraph 8 ”;
 - (b) in paragraph 3, for the second subparagraph substitute—

“The application of the first subparagraph is subject to [^{F9}Commission Implementing Regulation (EU) No 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food and] any regulations made under paragraph 8 concerning the application of that subparagraph.”;
 - (c) for paragraph 8 substitute—

“8. Regulations may be made:

 - (a) concerning the application of paragraphs 2(b) and 3;
 - (b) to revoke Regulation (EU) No 1337/2013 [^{F10}or Regulation (EU) No 2018/775].”.
- (13) In Article 27(2)—

- (a) for “The Commission may adopt implementing acts” substitute “ Regulations may be made ”;
 - (b) omit the second sentence.
- (14) In Article 30(6), for the words from “the Commission” to “Article 51,” substitute “ regulations may ”.
- (15) In Article 31—
- (a) in paragraph 2—
 - (i) for the words from the beginning to “conversion factors” substitute “ Regulations may amend Annex 14 to require specified conversion factors to be used ”;
 - (ii) omit the second sentence;
 - (b) in paragraph 4, in the second subparagraph—
 - (i) for “The Commission may adopt implementing acts setting” substitute “ Regulations may set ”;
 - (ii) omit the second sentence.
- (16) In Article 33(5), for the words from “the Commission” to the end substitute “ regulations may regulate the way in which per portion and per consumption unit indications are to be expressed for specific categories of food. The actual consumption behaviour of consumers as well as dietary recommendations must be taken into account when making such regulations ”.
- (17) In Article 34—
- (a) in paragraph 5, in the second subparagraph, for “the Commission may adopt implementing acts regarding” substitute “ regulations may be made relating to ”;
 - (b) in paragraph 6—
 - [^{F11}(i) for “the Commission may adopt implementing acts” substitute “regulations may be made”];
 - (ii) omit the second sentence.
- (18) In Article 35(6)—
- (a) for “the Commission shall adopt implementing acts” substitute “ regulations may be made ”;
 - (b) omit the second sentence.
- (19) In Article 36—
- (a) in paragraph 3—
 - (i) in the first subparagraph, in the words before point (a), for “The Commission shall adopt implementing acts” substitute “ Regulations may be made ”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 4, for the words from “the Commission” to “Article 51,” substitute “ regulations may ”.
- (20) In Article 46, for the words from “the Commission” to “Article 51,” substitute “ regulations may ”.
- (21) For Article 51 substitute the Articles in the Schedule.
- (22) After Annex 15 insert—

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“ANNEX 16

TYPE C REGULATIONS: LIST OF SPECIFIED PROVISIONS

Article 9(3)
 Article 9(4)
 Article 10(2)
 Article 19(2)
 Article 21(2)
 Article 24(3)
 Article 26(8)
 Article 27(2)
 Article 30(6)
 Article 31(2)
 Article 31(4)
 Article 33(5)
 Article 34(5)
 Article 34(6)
 Article 35(6)
 Article 36(3)
 Article 36(4)

ANNEX 17

TYPE D REGULATIONS: LIST OF SPECIFIED PROVISIONS

Article 12(3)
 Article 12(4)
 Article 13(4)
 Article 46”.

Textual Amendments

- F4** Word in reg. 4(2) substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(a)(i)**
- F5** Word in reg. 4(2) renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(a)(ii)(aa)**
- F6** Word in reg. 4(2) renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(a)(ii)(bb)**
- F7** Word in reg. 4(2) renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(a)(ii)(cc)**
- F8** Words in reg. 4(4)(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(b)**
- F9** Words in reg. 4(12)(b) inserted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(c)(i)**
- F10** Words in reg. 4(12)(c) inserted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(c)(ii)**

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F11 Reg. 4(17)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(3)(d)**

Commencement Information

I3 Reg. 4 in force at 31.12.2020 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

PROSPECTIVE

Regulation (EU) No 251/2014 of the European Parliament and of the Council

^{F12}5.

Textual Amendments

F12 Reg. 5 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), **5**

PROSPECTIVE

Commission Delegated Regulation (EU) 2019/33

^{F13}6.

Textual Amendments

F13 Reg. 6 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(6), **5**

PART 4

Amendment of retained direct EU legislation
relating to genetically modified organisms

Regulation (EC) No 1830/2003 of the European Parliament and of the Council

7.—(1) Regulation (EC) No 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC is amended as follows.

(2) In Article 3, after paragraph 13 ^{M5} insert—

“14. ‘Appropriate authority’ means—

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- (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;
- ^{F14}(d)

but the appropriate authority is the Secretary of State if consent is given by—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;
- ^{F15}(c)

15. ‘Relevant food standards authority’ means—

- (a) in relation to England [^{F16}and Wales], the Food Standards Agency;
- (b) in relation to Scotland, Food Standards Scotland.”.

(3) In Article 4(7) ^{M6}, for the words from “established” to “retained EU law” substitute “ referred to in, or, where relevant, the thresholds established or amended under, Article 4A of this Regulation ”.

(4) After Article 4 insert—

“Article 4A

Amending thresholds

1. In relation to the thresholds provided for in Article 21 of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC^{M7} or established by virtue of any other relevant retained EU law, an appropriate authority may, by regulations, make provision establishing or amending, where relevant, thresholds mentioned in or established under Article 21(2) or (3) of that Directive.

2. Before making regulations under paragraph 1, the appropriate authority must consult the relevant food standards authority.”.

(5) For Article 8 substitute—

“Article 8

Unique identifiers

1. An appropriate authority may, by regulations, make provision for the purposes of adapting the system, as amended from time to time, and as relevant, for assigning unique identifiers to GMOs referred to in Articles 2 and 3 of Commission Regulation (EC) No 65/2004^{M8}.

2. Before making regulations under paragraph 1, the appropriate authority—

- (a) must take account of developments in international fora, and
- (b) must consult the relevant food standards authority.”.

(6) For Article 9(2) ^{M9} substitute—

“2. An appropriate authority may—

- (a) publish technical guidance on sampling and testing for the purposes of facilitating the implementation of this Regulation;
- (b) make provision, by regulations, on sampling and testing for the purposes mentioned in point (a), having first consulted the relevant food standards authority.”

(7) For Article 10 substitute—

*“Article 10
Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M10}.

^{F17}3.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

^{F17}7.

8. Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.”

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Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Textual Amendments

- F14** Words in reg. 7(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Genetically Modified Organisms \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1421\)](#), regs. 1(4), **6(a)(i)(aa)**
- F15** Words in reg. 7(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Genetically Modified Organisms \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1421\)](#), regs. 1(4), **6(a)(i)(bb)**
- F16** Words in reg. 7(2) substituted (31.12.2020 immediately before IP completion day) by [The Genetically Modified Organisms \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1421\)](#), regs. 1(4), **6(a)(ii)**
- F17** Words in reg. 7(7) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Genetically Modified Organisms \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1421\)](#), regs. 1(4), **6(b)**

Commencement Information

- I4** Reg. 7 in force at 31.12.2020 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M5** Paragraph 13 in Article 3 was inserted by [S.I. 2019/90](#).
- M6** Article 4 was amended by [S.I. 2019/90](#).
- M7** OJ No L 106, 17.4.2001, p. 1, as last amended by Commission Directive (EU) 2018/350 (OJ No L 67, 9.3.2018, p. 30).
- M8** Articles 2 and 3 were amended by [S.I. 2019/90](#).
- M9** Article 9 was amended by [S.I. 2019/90](#).
- M10** [2010 asp 10](#).

PROSPECTIVE

^{F18}PART 5

Amendment of retained direct EU legislation relating to the import of and trade in animals and animal products

Textual Amendments

- F18** Pt. 5 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(2)(a), **35**

Commission Regulation (EC) No 599/2004

^{F18}8.

Commission Decision 2009/821/EC

^{F18}9.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commission Implementing Decision 2011/630/EU

^{F18}**10.**

Commission Implementing Decision 2012/137/EU

^{F18}**11.**

Commission Implementing Regulation (EU) 2018/659

^{F18}**12.**

Department for Environment, Food and Rural
Affairs

David Rutley
Parliamentary Under Secretary of State

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

SCHEDULE

Regulation 4

Regulation (EU) No 1169/2011 of the European Parliament and of the Council: new Articles 51 to 51f

Commencement Information

I5 Sch. in force at 31.12.2020 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

“Article 51

Type C regulations: general

1. The power to make type C regulations is exercisable by the appropriate authority.
2. But the power to make type C regulations under a provision specified in paragraph 5 may be exercised by the Secretary of State for the whole or part of [^{F19}Great Britain] if consent is given by:
 - ^{F20}(a)
 - [^{F21}(a)] for regulations applying in relation to Scotland, the Scottish Ministers;
 - [^{F22}(b)] for regulations applying in relation to Wales, the Welsh Ministers.
3. The power to make type C regulations under Article 21(2) to update the list in Annex 2 may only be exercised by the Secretary of State for the whole or part of [^{F23}Great Britain] if:
 - (a) the Secretary of State considers it necessary to update the list,
 - ^{F24}(b)
 - [^{F25}(b)] to the extent that the regulations will apply to Scotland, the Scottish Ministers consider it necessary to update the list, and
 - [^{F26}(c)] to the extent that the regulations will apply to Wales, the Welsh Ministers consider it necessary to update the list.
4. Type C regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments and retained direct minor EU legislation);
 - (b) make different provision for different purposes.
5. The specified provisions are:
 - (a) Article 10(2);
 - (b) Article 21(2);
 - (c) Article 24(3);
 - (d) Article 26(8);
 - (e) Article 27(2);
 - (f) Article 34(6);
 - (g) Article 36(3).

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Article 51a

Type D regulations: general

1. The power to make type D regulations is exercisable:
 - (a) as regards matters concerning the regulation of, and obligation to provide, particulars of the type specified in Article [F279(1)(e), by the Secretary of State];
 - (b) as regards other matters, by the appropriate authority.
2. But in relation to the power to make type D regulations under a provision specified in paragraph 4 as regards a matter covered by paragraph 1(b), the Secretary of State may make regulations for the whole or part of [F28Great Britain] if consent is given by:
 - F29(a)
 - [F30(a)] for regulations applying in relation to Scotland, the Scottish Ministers;
 - [F31(b)] for regulations applying in relation to Wales, the Welsh Ministers.
3. Type D regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments and retained direct minor EU legislation);
 - (b) make different provision for different purposes.
4. The specified provisions are:
 - (a) Article 12(4);
 - (b) Article 13(4);
 - (c) Article 46.

Article 51b

Type E regulations: general

1. The power to make type E regulations is [F32exercisable by the Secretary of State].
2. Type E regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments and retained direct minor EU legislation);
 - (b) make different provision for different purposes.

Article 51c

Type C, D and E regulations: the Secretary of State

1. Type C, D and E regulations made by the Secretary of State are to be made by statutory instrument.
2. Except as specified in paragraphs 5 and 6, a statutory instrument containing type C regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

3. A statutory instrument containing type D regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

4. A statutory instrument containing type E regulations made by the Secretary of State may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

5. Except as specified in paragraph 6, a statutory instrument containing regulations made by the Secretary of State under Article 10(2), 21(2) or 30(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

6. A statutory instrument containing regulations made by the Secretary of State made under Article 21(2) may be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament if it contains a declaration that the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.

7. After an instrument is made in accordance with paragraph 6, it must be laid before each House of Parliament.

8. Regulations contained in an instrument made in accordance with paragraph 6 cease to have effect at the end of the period of one month beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.

9. In calculating the period of one month, no account is to be taken of any time during which:

- (a) Parliament is dissolved or prorogued, or
- (b) either House of Parliament is adjourned for more than four days.

10. If regulations cease to have effect as a result of paragraph 8, that does not:

- (a) affect the validity of anything previously done under the regulations;
- (b) prevent the making of new regulations.

F33 ...

F33

Article [F34 51d]

Type C and D Regulations: the Scottish Ministers

1. For type C and D regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

2. Except as specified in paragraphs 4 and 5, type C regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

3. Type D regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

4. Except as specified in paragraph 5, regulations made by the Scottish Ministers under Article 10(2), 21(2) or 30(6) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

5. Regulations made under Article 21(2) may be made without being subject to the affirmative procedure if the regulations contain a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to that procedure.

6. After regulations are made in accordance with paragraph 5, they must be laid before the Scottish Parliament.

7. Regulations made in accordance with paragraph 5 cease to have effect at the end of the period of one month beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

8. In calculating the period of one month, no account is to be taken of any time during which the Scottish Parliament is:

- (a) dissolved, or
- (b) in recess for more than four days.

9. If regulations cease to have effect as a result of paragraph 7, that does not:

- (a) affect the validity of anything previously done under the regulations;
- (b) prevent the making of new regulations.

Article [F35 51e]

Type C and D regulations: the Welsh Ministers

1. Type C and D regulations made by the Welsh Ministers are to be made by statutory instrument.

2. Except as specified in paragraphs 4 and 5, a statutory instrument containing type C regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

3. A statutory instrument containing type D regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

4. Except as specified in paragraph 5, a statutory instrument containing regulations made under Article 10(2), 21(2) or 30(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

5. A statutory instrument containing regulations made under Article 21(2) may be made without a draft of the instrument being laid before, and approved by a resolution of, the National Assembly for Wales if it contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.

6. After a statutory instrument is made in accordance with paragraph 5, it must be laid before the National Assembly for Wales.

7. Regulations contained in a statutory instrument made in accordance with paragraph 5 cease to have effect at the end of the period of one month beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

8. In calculating the period of one month, no account is to be taken of any time during which the National Assembly for Wales is:
- (a) dissolved, or
 - (b) in recess for more than four days.
9. If regulations cease to have effect as a result of paragraph 7, that does not:
- (a) affect the validity of anything previously done under the regulations;
 - (b) prevent the making of new regulations.”

Textual Amendments

- F19** Words in Sch. substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(i)(aa)**
- F20** Words in Sch. omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(i)(bb)**
- F21** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(i)(cc)**
- F22** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(i)(dd)**
- F23** Words in Sch. substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(ii)(aa)**
- F24** Words in Sch. omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(ii)(bb)**
- F25** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(ii)(cc)**
- F26** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(a)(ii)(dd)**
- F27** Words in Sch. substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(b)(i)**
- F28** Words in Sch. substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(b)(ii)(aa)**
- F29** Words in Sch. omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(b)(ii)(bb)**
- F30** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(b)(ii)(cc)**
- F31** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(b)(ii)(dd)**
- F32** Words in Sch. substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(c)**
- F33** Words in Sch. omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(d)**
- F34** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(e)**
- F35** Words in Sch. renumbered (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **5(4)(f)**

Status: *This version of this Instrument contains provisions that are prospective.*

Changes to legislation: *There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d), (f) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends subordinate legislation relating to natural mineral water in England.

Part 3 amends retained direct EU legislation relating to food and drink.

Part 4 amends retained direct EU legislation relating to genetically modified organisms.

Part 5 amends retained direct EU legislation relating to the import of and trade in animals and animal products.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019.