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STATUTORY INSTRUMENTS

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**2019 No. 778**

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

**PART 3**

Amendment of retained direct EU legislation relating to food and drink

**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 [F1(z1)] insert—

[F2“(z2)] ‘type C regulations’ means any regulations made under a provision of this Regulation listed in Annex 16;

[F3“(z3)] ‘type D regulations’ means any regulations made under a provision of this Regulation listed in Annex 17;

[F4“(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 “[F5]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—
    - (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 [<sup>F6</sup>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 [<sup>F7</sup>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—

[<sup>F8</sup>(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—

“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**

- F1** 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\(3\)\(a\)\(i\)](#)
- F2** 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\(3\)\(a\)\(ii\)\(aa\)](#)
- F3** 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\(3\)\(a\)\(ii\)\(bb\)](#)
- F4** 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\(3\)\(a\)\(ii\)\(cc\)](#)

- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**

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**Commencement Information**

- I1** 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](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019, Section 4.