
STATUTORY INSTRUMENTS

2020 No. 1410

AGRICULTURE, ENGLAND
FOOD, ENGLAND

**The Food and Feed Hygiene and Safety (Miscellaneous
Amendments) (England) Regulations 2020**

Made - - - - 2nd December 2020

Laid before Parliament 3rd December 2020

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations apart from regulations 4(17), (18), (19) and (20) in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, 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 and measures relating to feed produced for or fed to food-producing animals⁽²⁾, the common agricultural policy of the European Union⁽³⁾, the control and regulation of genetically modified organisms⁽⁴⁾ and measures in the veterinary and phytosanitary fields for the protection of public health⁽⁵⁾.

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 references to EU instruments inserted into various statutory instruments by these Regulations to be construed as references to those instruments as amended from time to time.

The Secretary of State makes regulations 4(17), (18), (19) and (20) in exercise of the powers conferred by sections 16(2), 26(1)(a), (2)(a) and (3), 31 and 48(1) of the Food Safety Act 1990⁽⁶⁾, and now vested in him⁽⁷⁾.

(1) [1972 c.68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 ([2006 c.51](#)).

(2) [S.I. 2003/2901](#).

(3) [S.I. 1972/1811](#).

(4) [S.I. 1991/755](#).

(5) [S.I. 1999/2027](#).

(6) [1990 c.16](#). Section 1(1) and (2) (definition of “food”) was substituted by [S.I. 2004/2990](#). Section 48 was amended by paragraph 21 of Schedule 5 to the Food Standards Act 1999 ([1999 c.28](#)), “the 1999 Act”. Section 48 was also amended by [S.I. 2004/2990](#). Section 26(3) was amended by Schedule 6 to the 1999 Act.

(7) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by [S.I. 1999/672](#) as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([2006 c.32](#)). Those

In accordance with section 48(4A) of the 1990 Act he has had regard to relevant advice given by the Food Standards Agency.

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⁽⁸⁾, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title and commencement

1.—(1) These Regulations may be cited as the Food and Feed Hygiene and Safety (Miscellaneous Amendments) (England) Regulations 2020.

(2) These Regulations, other than regulations 3(10) and (11) and 4(17), (18), (19) and (20) come into force on 25th December 2020.

(3) Regulations 3(10) and (11) and 4(17), (18), (19) and (20) come into force immediately after IP completion day.

Amendment of the Fishery Products (Official Controls Charges) (England) Regulations 2007

2.—(1) The Fishery Products (Official Controls Charges) (England) Regulations 2007⁽⁹⁾ are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition that begins “Directive 2004/41” omit ““Regulation 2019/624””.

(3) In the Schedule (definitions of EU legislation) omit the definition of “Regulation 2019/624”.

Amendment of the Official Feed and Food Controls (England) Regulations 2009

3.—(1) The Official Feed and Food Controls (England) Regulations 2009⁽¹⁰⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition that begins “Decision 2007/275”;

(ii) for the definition “the Regulation 2017/625 package” substitute—

“the Regulation 2017/625 package” means Regulation 2017/625 and the EU Regulations listed below the heading “The Regulation 2017/625 package” in Schedule 1;”;

(b) after paragraph (1) insert—

“(1A) Any reference in these Regulations to Decisions, Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.”.

(3) In regulation 22 (interpretation of this Part of these Regulations), in the definition of “product”, for the words from “required” to “border control posts” substitute “listed in [Decision 2007/275/EC](#)”.

functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 ([1998 c.46](#)) as read with section 40(2) of the 1999 Act.

(8) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 2019/1243 of the European Parliament and of the Council (OJ No. L198, 25.7.2019, p.241).

(9) [S.I. 2007/3392](#) as amended by [S.I. 2019/1473](#).

(10) [S.I. 2009/3255](#) as amended by [S.I. 2013/2996](#), [S.I. 2018/731](#), [S.I. 2018/1275](#), [S.I. 2019/1476](#) and [S.I. 2020/738](#).

(4) In regulation 29 (checks on products), in paragraphs (2) and (3), omit “regulation” which immediately precedes “49(1)”.

(5) In regulation 32 (notices in relation to imports of feed and food from third countries), in paragraph (3), for “Article” substitute “Articles”.

(6) In regulation 36 (costs and fees), in paragraph (2) omit “and (c)”.

(7) In regulation 41(1A) (offences and penalties), for the wording from “Article 3” to “production of sprouts” substitute “Article 13 of Regulation 2019/625, in so far as it applies to sprouts and seeds intended for the production of sprouts, as read with Article 27 of Regulation 2019/628”.

(8) In Part 4 (recovery of expenses), at the appropriate place insert—

“Fees or charges arising from unplanned official controls

42A. Fees or charges imposed by a competent authority on an operator pursuant to Article 79(2)(c) of Regulation 2017/625 must be paid by the operator on the written demand of the competent authority.”.

(9) For Schedule 1 (definitions of legislation) substitute the Schedule that is set out in Schedule 1 to these Regulations.

(10) For Schedule 4 (competent authorities for the purposes of certain provisions of Regulation 2017/625 in so far as they apply in relation to relevant feed law) substitute the Schedule that is set out in Schedule 2 to these Regulations.

(11) For Schedule 5 (competent authorities for the purposes of certain provisions of Regulation 2017/625 in so far as they apply in relation to relevant food law) substitute the Schedule that is set out in Schedule 3 to these Regulations.

(12) For Schedule 6 (specified import provisions) substitute the Schedule that is set out in Schedule 4 to these Regulations.

Amendment of the Materials and Articles in Contact with Food (England) Regulations 2012

4.—(1) The Materials and Articles in Contact with Food (England) Regulations 2012⁽¹¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “Regulation 2023/2006” insert—

““Regulation 282/2008” means [Commission Regulation \(EC\) No. 282/2008](#) on recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No. 2023/2006⁽¹²⁾”;

(ii) after the definition of “Regulation 10/2011” insert—

““Regulation 2018/213” means [Commission Regulation \(EU\) No. 2018/213](#) on the use of bisphenol A in varnishes and coatings intended to come into contact with food and amending Regulation (EU) No. 10/2011 as regards the use of that substance in plastic food contact materials⁽¹³⁾”;

(b) for paragraph (2), substitute—

“(2) Expressions used in these Regulations and in Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 282/2008, Regulation

⁽¹¹⁾ [S.I. 2012/2619](#) will be amended by [S.I. 2019/704](#) after the making of this statutory instrument.

⁽¹²⁾ OJ No. L86, 28.3.2008, p.9, as last amended by Commission Regulation (EU) 2015/1906 (OJ No. L278, 23.10.2015, p.11).

⁽¹³⁾ OJ No. L41, 14.2.2018, p. 6.

450/2009, Regulation 10/2011 or Regulation 2018/213 bear the same meaning in these Regulations as they bear in those Regulations.”;

(c) for paragraph (3), substitute—

“(3) Any reference in these Regulations to an EU instrument defined in regulation 2(1) is a reference to that EU instrument as amended from time to time.”.

(3) In regulation 7 (offences of contravening specified provisions of Regulation 450/2009), omit paragraph (2).

(4) In regulation 12 (controls and limits), in paragraph (8), for “paragraphs (5), (6) or (7)” substitute “paragraphs (5) or (7)”.

(5) In regulation 14 (offences of contravening specified provisions of Regulation 10/2011), omit paragraph (2).

(6) For regulation 15 (competent authorities for the purposes of Regulation 10/2011), substitute—

“**15.** The competent authorities for the purposes of Articles 8 and 16(1) of and Annex 1, Table 3 (notes on verification of compliance), Notes (23) and (27) to Regulation 10/2011 are the Food Standards Agency, each food authority in its area and each port health authority in its district.”.

(7) After regulation 15 insert—

“PART 6A

Requirements for Recycled Plastic Materials and Articles

Interpretation of this Part

15A. In this Part any reference to a numbered Article is a reference to that Article of Regulation 282/2008.

Offences of contravening Article 3(1) of Regulation 282/2008

15B. Subject to the transitional provisions contained in Article 14, any person who places on the market a material or article that fails to comply with Article 3(1) (requirements for plastic materials and articles) is guilty of an offence.

Competent authorities for the purposes of Regulation 282/2008

15C. The competent authorities for the purposes of Article 10 are the Food Standards Agency and each food authority in its area.”.

(8) In regulation 16 (restrictions on the use of certain epoxy derivatives (BADGE, BFDGE and NOGE))—

(a) in paragraph (1)(b), for “paragraphs (2) and (3) are” substitute “paragraph (2) is”;

(b) omit paragraph (3);

(c) in paragraph (4), for “paragraph (2) or (3)” substitute “paragraph (2)”.

(9) After regulation 17 (competent authorities for the purposes of Regulation 1895/2005) insert—

“PART 7A

Requirements for bisphenol A

Interpretation of Part 7A

17A. In this Part, any reference to a numbered Article is a reference to the Article so numbered in Regulation 2018/213.

Offences of contravening Article 2 of Regulation 2018/213

17B. Subject to the transitional provisions contained in Article 6, any person who places on the market a material or article that fails to comply with Article 2 is guilty of an offence.

Competent authorities for the purposes of Regulation 2018/213

17C. The competent authorities for the purposes of Article 4(3) are the Food Standards Agency and each food authority in its area.”.

(10) For regulation 19 (offences and penalties) substitute—

“**19.**—(1) Any person who contravenes regulation 10(3), 12(8) or 18(2) is guilty of an offence.

(2) Any person who fails to comply with a compliance notice served on them under regulation 19A is guilty of an offence.

(3) Any person who intentionally obstructs a person acting in the execution of Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 282/2008, Regulation 450/2009, Regulation 10/2011, Regulation 2018/213 or these Regulations is guilty of an offence.

(4) Any person who, without reasonable excuse, fails to provide any assistance or information a person may reasonably require for the performance of their functions under the Regulations mentioned in paragraph (3) is guilty of an offence.

(5) Any person who, in purported compliance with any requirement under paragraph (4), knowingly or recklessly supplies information that is false or misleading in any material particular is guilty of an offence.

(6) A person guilty of an offence is liable—

(a) in the case of an offence created by regulation 17B—

(i) on conviction on indictment to a fine or to a term of imprisonment not exceeding two years or both; or

(ii) on summary conviction to a fine or to a term of imprisonment not exceeding six months or both;

(b) in the case of an offence created by paragraphs (1), (2), (3), (4) or (5) of this regulation or by regulation 4(3), 5, 7(1), 14(1), 15B or 16(4) on summary conviction to a fine.

(7) Nothing in paragraph (3) or (4) is to be construed as requiring a person to answer any question or give any information if to do so might incriminate that person.”.

(11) After regulation 19 insert—

“Compliance notices

19A.—(1) If an authorised officer has reasonable grounds for believing that any person has not complied with, is not complying with, or is not likely to comply with a provision specified in regulation 19B (which provisions concern declarations of compliance with legislative requirements or supporting documentation), the officer may serve a compliance notice on that person.

(2) A compliance notice must state—

- (a) the reason for the service of the notice and the steps the person on whom the notice has been served must take;
- (b) the date and, if appropriate, the time by which each step must be taken;
- (d) that a failure to comply with the notice is an offence; and
- (e) the details of the right to appeal against the notice under regulation 19C.

(3) An authorised officer may serve a notice on a person withdrawing, varying or suspending a compliance notice.

19B. The provisions are—

- (a) paragraphs (4) and (6) of regulation 10;
- (b) paragraph (6) of regulation 12;
- (c) Article 16 of Regulation 1935/2004;
- (d) Article 5 of Regulation 1895/2005;
- (e) Articles 10(3) and 12 of Regulation 282/2008;
- (f) Articles 12 and 13 of Regulation 450/2009;
- (g) the second sentence of Article 8, Article 15 as read with Annex 4 and Article 16 of Regulation 10/2011;
- (h) Article 4 of Regulation 2018/213.

Appeal against a compliance notice

19C.—(1) Any person served with a compliance notice may appeal against that notice to a magistrates’ court.

(2) The procedure on appeal to a magistrates’ court is by way of complaint for an order, and the Magistrates’ Courts Act 1980(14) applies to the proceedings.

(3) The period within which an appeal may be brought is one month from the date on which the compliance notice was served on the person wishing to appeal and the making of a complaint for an order is deemed for the purposes of this paragraph to be the bringing of the appeal.

(4) A compliance notice is not suspended pending an appeal unless—

- (a) an authorised officer suspends it under regulation 19A(3); or
- (b) the court directs that it be suspended.

(5) The court may—

- (a) confirm the notice or any requirement contained in it;
- (b) vary the notice or any requirement contained in it; or
- (c) revoke the notice or any requirement contained in it.”.

(14) 1980 c.43.

(12) For regulation 20 (execution and enforcement), substitute—

“**20.**—(1) Each food authority in its area is to execute and enforce Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 282/2008, Regulation 450/2009, Regulation 10/2011, Regulation 2018/213 and these Regulations.

(2) Each port health authority in its district is to execute and enforce Regulation 1935/2004, Regulation 1895/2005, Regulation 450/2009, Regulation 10/2011, Regulation 2018/213 and these Regulations.

(3) The Food Standards Agency may execute and enforce the provisions of—

- (a) Articles 16 and 17(2) of Regulation 1935/2004;
- (b) Article 10 of Regulation 282/2008;
- (c) Article 13 of Regulation 450/2009;
- (d) Article 8 and 16(1) of and Annex 1, Table 3 (notes on verification of compliance), Notes (23) and (27) to Regulation 10/2011; and
- (e) Article 4(3) of Regulation 2018/213.”.

(13) In regulation 23 (time limit for prosecutions), in paragraph (2), for “regulation 7(2), 14(2) or 19(2) or (3)” substitute “regulation 19(3) or (4)”.

(14) In regulation 24 (general defences), in paragraph (2) for “regulation 4(3), 7(1), 14(1), 16(4) or 19(1)” substitute “regulation 4(3), 7(1), 14(1), 15B, 16(4), 17B or 19(1)”.

(15) In paragraphs (2) and (3) of regulation 27 (application of various provisions of the Act) for “Regulation 450/2009 or Regulation 10/2011” substitute “Regulation 282/2008, Regulation 450/2009, Regulation 10/2011 or Regulation 2018/213”.

(16) In the Schedule (specified provisions of Regulation 10/2011)—

- (a) for the text in the first column of the seventh row (which relates to Article 11) of the table, substitute “Article 11(1) and Annex 1, as read with Article 11(3) and (4)”;
- (b) omit the entries in the final row of the table.

(17) For regulation 10(1) substitute—

“(1) The quantities of lead and cadmium transferred from ceramic articles must not exceed the limits set out in paragraph (4) as read with paragraphs (3) and (5).”.

(18) For regulation 10A(1) substitute—

“(1) No person may place on the market a ceramic article that does not comply with the requirements of regulation 10(1) as read with regulation 10(2).”.

(19) In regulation 19(1), for “regulation 10(3)” substitute “regulation 10A(1)”.

(20) In regulation 19B, for paragraph (a) substitute—

- “(a) paragraphs (2) and (3) of regulation 10A;”.

Amendment of the Food Safety and Hygiene (England) Regulations 2013

5.—(1) The Food Safety and Hygiene (England) Regulations 2013⁽¹⁵⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

- (i) omit the definition that begins “Directive 2004/41”;
- (ii) for the definition of “the Regulation 2017/625 package” substitute—

⁽¹⁵⁾ [S.I. 2013/2996](#) as amended by [S.I. 2019/1476](#); there are other amending instruments but none is relevant to these Regulations.

““the Regulation 2017/625 package” means Regulation 2017/625 and the other EU Regulations listed in Schedule 1 under the heading “The Regulation 2017/625 package”,”;

(b) after paragraph (1) insert—

“(1A) Any reference in these Regulations to Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.”.

(3) For Schedule 1 (definitions of legislation) substitute the Schedule that is set out in Schedule 5 to these Regulations.

Amendment of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015

6.—(1) The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015⁽¹⁶⁾ are amended as follows.

(2) In regulation 2 (interpretation and scope)—

(a) in paragraph (1)—

(i) omit the definition of “Directive 2008/38”;

(ii) after the definition of “Regulation 767/2009” insert—

““Regulation 2020/354” means Commission Regulation (EU) 2020/354 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing [Directive 2008/38/EC](#)⁽¹⁷⁾,”;

(b) in paragraph (2), for “or Regulation 767/2009” substitute “Regulation 767/2009 or Regulation 2020/354”;

(c) for paragraph (3) substitute—

“(3) Any reference to an EU instrument defined in paragraph (1) is a reference to that EU instrument as it may be amended from time to time.”.

(3) For Part 7 (implementation of Directive 2008/38) substitute—

“PART 7

Enforcement of Regulation 2020/354

Interpretation of this Part

16. In this Part, any reference to a numbered Article is a reference to the Article so numbered in Regulation 2020/354.

Control of feed intended for particular nutritional purposes

17. A person who contravenes or fails to comply with Article 1 (conditions on marketing) as read with Article 2 (derogation for feed which complies with the provisions of [Directive 2008/38/EC](#)) and Article 3 (transitional measures for feed labelled before 25 March 2022 in accordance with the rules applicable before 25 March 2020) commits an offence.”.

(4) In regulation 18 (penalties for offences under these Regulations), in paragraph (1), for “17(1)” substitute “17”.

⁽¹⁶⁾ [S.I. 2015/255](#) as amended by [S.I. 2019/654](#) and [S.I. 2019/675](#).

⁽¹⁷⁾ OJ No. L67, 5.3.2020, p.1.

(5) In regulation 19 (duties to enforce), after “Regulation 767/2009” insert “Regulation 2020/354”.

Amendment of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

7.—(1) The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015⁽¹⁸⁾ are amended as follows.

(2) In regulation 2 (interpretation and scope)—

(a) in paragraph (1)—

(i) omit the definition of “Regulation 882/2004”;

(ii) after the definition of “Regulation 767/2009” insert—

““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⁽¹⁹⁾;

“Regulation 2020/354” means Commission Regulation (EU) 2020/354 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing Directive 2008/38/EC⁽²⁰⁾;

“Regulation 2019/1793” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No. 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No. 669/2009, (EU) No. 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660⁽²¹⁾

(b) in paragraph (2), for “Regulation 882/2004, Regulation 183/2005 or Regulation 152/2009” substitute “Regulation 183/2005, Regulation 152/2009 or Regulation 2017/625”;

(c) for paragraph (5) substitute—

“(5) Any reference to an EU instrument defined in paragraph (1) is a reference to that EU instrument as it may be amended from time to time.”.

(3) In regulation 19 (analysis other than in the course of official controls), for paragraph (2) substitute—

“(2) In cases where there is no appropriate method of analysis in Regulation 152/2009, the analysis must be carried out in the manner referred to in Article 34(1) and (2) of Regulation 2017/625 as read with Regulation 2019/1793.”.

⁽¹⁸⁾ S.I. 2015/454 as amended by S.I. 2019/683 and S.I. 2019/1476.

⁽¹⁹⁾ OJ L95, 7.4.2017, p. 1.

⁽²⁰⁾ OJ No. L67, 5.3.2020, p.1.

⁽²¹⁾ OJ L277, 29.10.2019, p. 89.

- (4) In Schedule 1 (specified feed law), in the table—
- (a) omit the entry “Regulation 882/2004, in so far as it relates to feed”;
 - (b) omit the entry “[Commission Regulation \(EC\) No 669/2009](#) implementing Regulation (EC) [No 882/2004](#) of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending [Decision 2006/504/EC](#), in so far as it relates to feed”;
 - (c) below the entry for “Regulation 767/2009” add the following entries—
 - “Regulation 2017/625, in so far as it relates to feed
 - Regulation 2019/1793, in so far as it relates to feed
 - Regulation 2020/354”.

Review

- 8.—(1) The Food Standards Agency must from time to time—
- (a) carry out a review of the operation and effect of regulation 3 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 regulation 3 of 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 regulation 3(1) to (9) and (12) of these Regulations comes 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.

2nd December 2020

Edward Argar
Minister of State,
Department of Health and Social Care

SCHEDULE 1

Regulation 3(9)

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF LEGISLATION

“Decision 2007/275” means Commission [Decision 2007/275/EC](#) concerning lists of composite products to be subject to controls at border control posts(22);

“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](#)(23);

“Regulation 999/2001” means Regulation [\(EC\) No. 999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(24);

“Regulation 178/2002” means 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(25);

“Regulation 852/2004” means Regulation [\(EC\) No. 852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs as read with Regulation 2073/2005(26);

“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 as read with Directive 2004/41, Regulation 1688/2005 and Regulation 2074/2005 and Regulation 2017/185(27);

“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(28);

“Regulation 2073/2005” means [Commission Regulation \(EC\) No. 2073/2005](#) on microbiological criteria for foodstuffs(29);

“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](#)(30);

(22) OJ L116, 4.5.2007, p. 9.

(23) 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).

(24) OJ L157, 30.4.2004, p. 33.

(25) OJ L31, 1.2.2002, p. 1.

(26) OJ 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).

(27) OJ 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).

(28) OJ L271, 15.10.2005, p. 17.

(29) OJ 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.

(30) OJ L338, 22.12.2005, p. 27.

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“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⁽³¹⁾;

“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 as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package;

The Regulation 2017/625 package

“Regulation 2019/478” means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts⁽³²⁾;

“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⁽³³⁾;

“Regulation 2019/625” means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption⁽³⁴⁾;

“Regulation 2019/626” means Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists⁽³⁵⁾;

“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⁽³⁶⁾;

“Regulation 2019/628” means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No. 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates⁽³⁷⁾;

“Regulation 2019/1012” means Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council

(31) OJ L29, 3.2.2017, p. 21.

(32) OJ L82, 25.3.2019, p. 4.

(33) OJ L131, 17.5.2019, p. 1.

(34) OJ L131, 17.5.2019, p. 18.

(35) OJ L131, 17.5.2019, p. 31.

(36) OJ L131, 17.5.2019, p. 51.

(37) OJ L131, 17.5.2019, p. 101.

by derogating from the rules on the designation of control points and from the minimum requirements for border control posts⁽³⁸⁾;

“Regulation 2019/1013” means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union⁽³⁹⁾;

“Regulation 2019/1014” means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points⁽⁴⁰⁾;

“Regulation 2019/1081” means Commission Delegated Regulation (EU) 2019/1081 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts⁽⁴¹⁾;

“Regulation 2019/1602” means Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination⁽⁴²⁾;

“Regulation 2019/1666” means Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union⁽⁴³⁾;

“Regulation 2019/1715” means Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation)⁽⁴⁴⁾;

“Regulation 2019/1793” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No. 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No. 669/2009, (EU) No. 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660⁽⁴⁵⁾;

“Regulation 2019/1873” means Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products⁽⁴⁶⁾;

“Regulation 2019/2007” means Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC⁽⁴⁷⁾;

“Regulation 2019/2074” means Commission Delegated Regulation (EU) 2019/2074 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council

⁽³⁸⁾ OJ L165, 21.6.2019, p. 4.

⁽³⁹⁾ OJ L165, 21.6.2019, p. 8.

⁽⁴⁰⁾ OJ L165, 21.6.2019, p. 10.

⁽⁴¹⁾ OJ L171, 26.6.2019, p. 1.

⁽⁴²⁾ OJ L250, 30.9.2019, p. 6.

⁽⁴³⁾ OJ L255, 4.10.2019, p. 1.

⁽⁴⁴⁾ OJ L261, 14.10.2019, p. 37.

⁽⁴⁵⁾ OJ L277, 29.10.2019, p. 89.

⁽⁴⁶⁾ OJ L289, 8.11.2019, p. 50.

⁽⁴⁷⁾ OJ L312, 3.12.2019, p. 1.

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as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country⁽⁴⁸⁾;

“Regulation 2019/2122” means Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No. 142/2011⁽⁴⁹⁾;

“Regulation 2019/2123” means Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts⁽⁵⁰⁾;

“Regulation 2019/2124” means Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No. 798/2008, (EC) No. 1251/2008, (EC) No. 119/2009, (EU) No. 206/2010, (EU) No. 605/2010, (EU) No. 142/2011, (EU) No. 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC⁽⁵¹⁾;

“Regulation 2019/2126” means Commission Delegated Regulation (EU) 2019/2126 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts⁽⁵²⁾;

“Regulation 2019/2129” means Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union⁽⁵³⁾;

“Regulation 2019/2130” means Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts⁽⁵⁴⁾;

“Regulation 2020/466” means Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease⁽⁵⁵⁾;

“Regulation 2020/1158” means Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station⁽⁵⁶⁾.”

⁽⁴⁸⁾ OJ L316, 6.12.2019, p. 6.

⁽⁴⁹⁾ OJ L321, 12.12.2019, p. 45.

⁽⁵⁰⁾ OJ L321, 12.12.2019, p. 64.

⁽⁵¹⁾ OJ L321, 12.12.2019, p. 73.

⁽⁵²⁾ OJ L321, 12.12.2019, p. 104.

⁽⁵³⁾ OJ L321, 12.12.2019, p. 122.

⁽⁵⁴⁾ OJ L321, 12.12.2019, p. 128.

⁽⁵⁵⁾ OJ L98, 31.3.2020, p. 30.

⁽⁵⁶⁾ OJ L257, 6.8.2020, p. 1.

SCHEDULE 2

Regulation 3(10)

“SCHEDULE 4

Regulation 3(1)

COMPETENT AUTHORITIES FOR THE PURPOSES OF
CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR
AS THEY APPLY IN RELATION TO RELEVANT FEED LAW

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authority</i>	<i>Provisions of Regulation 2017/625</i>
The Agency	Articles 4, 5(1), (4) and (5), 6, 7, 8, 11, 12, 15, 28, 29, 30, 31, 32, 33, 35, 37, 38, 39, 40, 42, 63(4) (a), 65(5), 66(6), 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 87, 88, 89, 91, 93, 96, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 124, 130, 135, 137, 138, 140.
The feed authority	Articles 4, 5(1), (4) and (5), 6, 7, 8, 9, 10, 11, 12, 13, 15, 26, 28, 29, 30, 31, 32, 33, 35, 36, 38, 44, 45, 46, 47, 49, 50, 55, 56, 57, 63, 65(1), (2), (3), (4) and (5), 66, 67, 68, 69, 71, 72, 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 96, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 130, 135, 137, 138, 140.”

SCHEDULE 3

Regulation 3(11)

“SCHEDULE 5

Regulation 3(3)

COMPETENT AUTHORITIES FOR THE PURPOSES OF
CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR
AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authority</i>	<i>Provisions of Regulation 2017/625</i>
The Agency	Articles 4, 5(1), (4) and (5), 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 21, 26, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 44, 45, 46, 47, 49, 50, 55, 56, 57(3), 63(4)(a), 65(5), 66(6), 68, 69, 71, 72, 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 93, 96, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 124, 130, 132, 133, 135, 137, 138, 140, 148, 150.
The food authority	Articles 4(2), 5(1), (4) and (5), 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 21, 26, 28, 29, 30, 31, 32, 33, 35, 36, 38, 44, 45, 46, 47, 49, 50, 55, 56, 57, 63, 65(1), (2), (3), (4) and (5), 66, 67, 68, 69, 71, 72, 73, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88,

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<i>Column 1</i>	<i>Column 2</i>
<i>Competent authority</i>	<i>Provisions of Regulation 2017/625</i>
	89, 91, 96, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 130, 132, 133, 135, 137, 138, 140, 148, 150.”

SCHEDULE 4

Regulation 3(12)

“SCHEDULE 6

Regulations 22 and 41(1)(a)

SPECIFIED IMPORT PROVISIONS

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of legislation</i>	<i>Requirement</i>
Article 69(1) of Regulation 2017/625	Requirement that the operator responsible for the consignment is to carry out all the measures ordered by the competent authorities.
Article 1 of Regulation 2019/1013	Requirement that the operator responsible for a consignment give prior notification to the competent authority of the border control post, at least one working day before the expected arrival of the consignment.
Article 3 of Regulation 2019/1602	Requirement that a Common Health Entry Document (CHED) is to accompany each consignment irrespective of whether or not it is split at the border control post or subsequent to leaving the border control post.
Article 4(a) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies the consignment to the place of destination and until it is released into free circulation.
Article 4(b) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and is to keep a copy of the CHED at the disposal of the customs authorities.
Article 5(1)(a) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, when giving prior notification, the operator responsible for the consignment is to declare the border control

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of legislation</i>	<i>Requirement</i>
	post as the place of destination in the CHED for the entire consignment.
Article 5(1)(b) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to request that the consignment be split and is to submit, through the IMSOC a CHED for each part of the split consignment and make a declaration.
Article 5(1)(d) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to ensure that a copy of the CHED for each part of the split consignment accompanies the relevant part to the place of destination and until it is released into free circulation.
Article 5(1)(e) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 5(2)(a) of Regulation 2019/1602	Requirement that where a non-compliant consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to submit a CHED for each part of the split consignment and make a declaration.
Article 6(a) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies each part of the split consignment until it is released for free circulation.
Article 6(b) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities

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<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of legislation</i>	<i>Requirement</i>
	and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 3(1) of Regulation 2019/1666	Requirement that the operator responsible for the consignment is to, within one day upon arrival of the consignment, inform the competent authority responsible for performing the official controls at the establishment at the place of destination of the arrival of the consignment.
Article 6(1) of Regulation 2019/2123	Requirement that after the competent authorities of the border control post have authorised or decided on the transfer of the consignment to the control point indicated in the CHED, the operator responsible for the consignment shall not present the consignment for identity and physical checks to a control point different from the one indicated in the CHED, unless the competent authorities of the border control post authorise the transfer of the consignment to another control point in accordance with point (a) of Article 3(1) and point (a) of Article 4(2).
Article 6(4) of Regulation 2019/2123	Requirement that the operator shall provide the reference number of the finalised CHED referred to in Article 6(3) in the customs declaration which is lodged for the consignment with the customs authorities and shall keep a copy of that CHED at the disposal of the customs authorities.
Article 6(1) of Regulation 2019/2124	Requirement that the operator responsible for the consignments authorised for onward transportation in accordance with Article 4 ensures that: (a) during transport to, and storage at, the onward transportation facility, the consignment is not tampered with in any manner; (b) the consignment is not subject to any alteration, processing, substitution or change of packaging; (c) the consignment does not leave the onward transportation facility pending the decision on the consignment being taken by the competent authorities of the border control post in accordance with Article 55 of Regulation (EU) 2017/625.
Article 6(2) of Regulation 2019/2124	Requirement that the operator responsible for the consignment shall transport the consignment under customs supervision directly from the border control post to the onward transportation facility, without the goods being unloaded during transport, and shall store it in the onward transportation facility.

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of legislation</i>	<i>Requirement</i>
Article 6(4) of Regulation 2019/2124	Requirement that the operator responsible for the consignment shall ensure that a copy, on paper or in electronic form, of the CHED referred to in Article 3 accompanies the consignment from the border control post to the onward transportation facility.
Article 6(5) of Regulation 2019/2124	Requirement that the operator responsible for the consignment notifies the competent authorities at the place of final destination of the arrival of consignment at the onward transportation facility.
Article 6(6) of Regulation 2019/2124	Requirement that after the competent authorities of the border control post have authorised the onward transportation of the consignment to the onward transportation facility, the operator responsible for the consignment shall not transport the consignment to a onward transportation facility that is different from the one indicated in the CHED, unless the competent authorities of the border control post authorise the change in accordance with Article 4 and provided that the conditions laid down in paragraphs 1 to 5 of Article 6 are complied with.”

SCHEDULE 5

Regulation 5(3)

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF 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](#)([57](#));

“Regulation 178/2002” means 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 as read with Regulation 931/2011 and Regulation 208/2013;

(57) 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).

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“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(58) as read with Regulation 2073/2005 and Regulation 210/2013;

“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(59) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and 2017/185;

“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(60);

“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(61);

“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(62);

“Regulation 931/2011” means Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin(63);

“Regulation 1169/2011” means Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No. 1924/2006 and (EC) No. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004(64);

“Regulation 208/2013” means Commission Implementing Regulation (EU) No. 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts(65);

“Regulation 210/2013” means Commission Regulation (EU) No. 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No. 852/2004 of the European Parliament and of the Council(66);

“Regulation 579/2014” means Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea(67);

(58) 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).

(59) 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).

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

(61) 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.

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

(63) OJ No. L242, 20.9.2011, p. 2.

(64) OJ No. L304, 22.11.2011, p. 18.

(65) OJ No. L68, 12.3.2013, p. 16.

(66) OJ No. L68, 12.3.2013, p. 24.

(67) OJ No. L160, 29.5.2014, p. 14.

“Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat⁽⁶⁸⁾;

“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⁽⁶⁹⁾;

“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⁽⁷⁰⁾ as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package;

The Regulation 2017/625 package

“Regulation 2019/478” means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts⁽⁷¹⁾;

“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⁽⁷²⁾;

“Regulation 2019/625” means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption⁽⁷³⁾;

“Regulation 2019/626” means Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists⁽⁷⁴⁾;

“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⁽⁷⁵⁾;

“Regulation 2019/628” means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No. 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates⁽⁷⁶⁾;

⁽⁶⁸⁾ OJ No. L212, 11.8.2015, p. 7.

⁽⁶⁹⁾ OJ No. L29, 3.2.2017, p. 21.

⁽⁷⁰⁾ OJ No. L 95, 7.4.2017, p. 1.

⁽⁷¹⁾ OJ L82, 25.3.2019, p. 4.

⁽⁷²⁾ OJ L131, 17.5.2019, p. 1.

⁽⁷³⁾ OJ L131, 17.5.2019, p. 18.

⁽⁷⁴⁾ OJ L131, 17.5.2019, p. 31.

⁽⁷⁵⁾ OJ L131, 17.5.2019, p. 51.

⁽⁷⁶⁾ OJ L131, 17.5.2019, p. 101.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Regulation 2019/1012” means Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts⁽⁷⁷⁾;

“Regulation 2019/1013” means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union⁽⁷⁸⁾;

“Regulation 2019/1014” means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points⁽⁷⁹⁾;

“Regulation 2019/1081” means Commission Delegated Regulation (EU) 2019/1081 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts⁽⁸⁰⁾;

“Regulation 2019/1602” means Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination⁽⁸¹⁾;

“Regulation 2019/1666” means Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union⁽⁸²⁾;

“Regulation 2019/1715” means Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation)⁽⁸³⁾;

“Regulation 2019/1793” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No. 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No. 669/2009, (EU) No. 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660⁽⁸⁴⁾;

“Regulation 2019/1873” means Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products⁽⁸⁵⁾;

“Regulation 2019/2007” means Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC⁽⁸⁶⁾;

⁽⁷⁷⁾ OJ L165, 21.6.2019, p. 4.

⁽⁷⁸⁾ OJ L165, 21.6.2019, p. 8.

⁽⁷⁹⁾ OJ L165, 21.6.2019, p. 10.

⁽⁸⁰⁾ OJ L171, 26.6.2019, p. 1.

⁽⁸¹⁾ OJ L250, 30.9.2019, p. 6.

⁽⁸²⁾ OJ L255, 4.10.2019, p. 1.

⁽⁸³⁾ OJ L261, 14.10.2019, p. 37.

⁽⁸⁴⁾ OJ L277, 29.10.2019, p. 89.

⁽⁸⁵⁾ OJ L289, 8.11.2019, p. 50.

⁽⁸⁶⁾ OJ L312, 3.12.2019, p. 1.

“Regulation 2019/2074” means Commission Delegated Regulation (EU) 2019/2074 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country⁽⁸⁷⁾;

“Regulation 2019/2122” means Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending [Commission Regulation \(EU\) No. 142/2011](#)⁽⁸⁸⁾;

“Regulation 2019/2123” means Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts⁽⁸⁹⁾;

“Regulation 2019/2124” means Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations [\(EC\) No. 798/2008](#), [\(EC\) No. 1251/2008](#), [\(EC\) No. 119/2009](#), (EU) No. 206/2010, (EU) No. 605/2010, (EU) No. 142/2011, (EU) No. 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission [Decision 2007/777/EC](#)⁽⁹⁰⁾;

“Regulation 2019/2126” means Commission Delegated Regulation (EU) 2019/2126 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts⁽⁹¹⁾;

“Regulation 2019/2129” means Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union⁽⁹²⁾;

“Regulation 2019/2130” means Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts⁽⁹³⁾;

“Regulation 2020/466” means Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease⁽⁹⁴⁾;

“Regulation 2020/1158” means Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station⁽⁹⁵⁾.”

⁽⁸⁷⁾ OJ L316, 6.12.2019, p. 6.

⁽⁸⁸⁾ OJ L321, 12.12.2019, p. 45.

⁽⁸⁹⁾ OJ L321, 12.12.2019, p. 64.

⁽⁹⁰⁾ OJ L321, 12.12.2019, p. 73.

⁽⁹¹⁾ OJ L321, 12.12.2019, p. 104.

⁽⁹²⁾ OJ L321, 12.12.2019, p. 122.

⁽⁹³⁾ OJ L321, 12.12.2019, p. 128.

⁽⁹⁴⁾ OJ L98, 31.3.2020, p. 30.

⁽⁹⁵⁾ OJ L257, 6.8.2020, p. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- (a) the Fishery Products (Official Controls Charges) (England) Regulations 2007 ([S.I. 2007/3392](#));
- (b) the Official Feed and Food Controls (England) Regulations 2009 ([S.I. 2009/3255](#));
- (c) the Materials and Articles in Contact with Food (England) Regulations 2012 ([S.I. 2012/2619](#));
- (d) the Food Safety and Hygiene (England) Regulations 2013 ([S.I. 2013/2996](#));
- (e) the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 ([S.I. 2015/255](#)); and
- (f) the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 ([S.I. 2015/454](#)).

Regulation 2 amends the Fishery Products (Official Controls Charges) (England) Regulations 2007 to correct a minor drafting error.

Regulation 3 amends the Official Feed and Food Controls (England) Regulations 2009 to—

- (a) insert revised Schedules 1 and 6 to refer to recent EU legislation (*regulation 3(2)(b), (9) and (12)*);
- (b) revise the provision regarding offences in relation to certification arrangements for sprouts and seeds intended for the production of sprouts to refer to recent EU legislation (*regulation 3(7)*);
- (c) ensure charges and fees can be imposed on an operator by a competent authority in respect of unplanned official controls, and make consequential provision as a result (*regulation 3(6) and (8)*);
- (d) insert revised Schedules 4 and 5 to update the competent authority designations for the purpose of Regulation (EU) 2017/625 (*regulation 3(10) and (11)*).

Regulation 4 amends the Materials and Articles in Contact with Food (England) Regulations 2012 (“the MACF Principal Regulations”) to—

- (a) provide for the execution and enforcement of—
 - (i) [Commission Regulation \(EC\) No. 282/2008](#) on recycled plastic materials and articles intended to come into contact with food and amending Regulation (EC) No [2023/2006](#) (OJ No. L86, 28.3.2008, p.9) (*regulation 4(7)*); and
 - (ii) [Commission Regulation \(EU\) No. 2018/213](#) on the use of bisphenol A in varnishes and coatings intended to come into contact with food and amending Regulation (EU) No 10/2011 as regards the use of that substance in plastic food contact materials (OJ No. L 41, 14.2.2018, p. 6) (*regulation 4(9)*);
- (b) remove the penalty of imprisonment from several offences (substituted regulation 19 of the MACF Principal Regulations) (*regulation 4(10)*);
- (c) provide that an authorised officer who has reasonable grounds for believing that any person has not complied with, is not complying with or is not likely to comply with various specified provisions (relating to declarations of compliance or supporting

documentation) may serve a compliance notice on that person requiring that person to take the steps stated in the notice (new regulations 19A and 19B of the MACF Principal Regulations) (*regulation 4(11)*). There is a right of appeal against a compliance notice (new regulation 19C of the MACF Principal Regulations) (*regulation 4(11)*).

Regulation 5 amends the Food Safety and Hygiene (England) Regulations 2013 to—

- (a) insert a revised Schedule 1 to refer to recent EU legislation (*regulation 5(2)(b) and (3)*);
- (b) revise the definition of the Regulation 2017/625 package to refer to recent EU legislation (*regulation 5(2)(a)(ii)*).

These Regulations amend the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 and the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 to provide for the execution and enforcement of Commission Regulation (EU) 2020/354 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing [Directive 2008/38/EC](#) (OJ No. L67, 5.3.2020, p.1.) (*regulations 6 and 7*).

These Regulations amend the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 to update references to EU legislation (*regulation 7*).

A full impact assessment of the effect that regulation 4 (which amends the Materials and Articles in Contact with Food (England) Regulations 2012) will have on the costs of the public, private or voluntary sector 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. A full impact assessment was not considered necessary for the other parts of these Regulations.