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STATUTORY INSTRUMENTS

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**2020 No. 738**

**AGRICULTURE, ENGLAND**  
**FOOD, ENGLAND**

The Official Feed and Food Controls  
(England) (Amendment) Regulations 2020

<i>Made</i>	- - - -	<i>14th July 2020</i>
<i>Laid before Parliament</i>		<i>15th July 2020</i>
<i>Coming into force</i>	- -	<i>5th August 2020</i>

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, makes the following Regulations.

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<sup>(2)</sup>, the common agricultural policy of the European Community<sup>(3)</sup> and measures in the veterinary and phytosanitary fields for the protection of public health<sup>(4)</sup>.

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<sup>(5)</sup> there has been open and transparent public consultation during the preparation of these Regulations.

**Title and commencement**

1. These Regulations may be cited as the Official Feed and Food Controls (England) (Amendment) Regulations 2020 and come into force on 5th August 2020.

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(1) 1972 c.68.

(2) S.I. 2003/2901.

(3) S.I. 1972/1811.

(4) S.I. 1999/2027.

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

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

2.—(1) The Official Feed and Food Controls (England) Regulations 2009<sup>(6)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in the definition that begins “Decision 2007/275” after “Regulation 2019/1666” insert “have the meanings respectively given to them in Schedule 1;”.

(3) In regulation 22 (interpretation of this Part of these Regulations), for the definition of “product” substitute—

““product” means feed and food of non-animal origin whose import is regulated by Article 44 or Article 47(1)(d), (e) or (f) of Regulation 2017/625 and includes composite products and foodstuffs which are not required to be subject to veterinary checks as provided in Commission [Decision 2007/275/EC](#) concerning lists of composite products to be subject to controls at border control posts;”.

(4) In regulation 29 (checks on products), in each place it occurs, for “and Article 45(1), (2) and (4)” substitute “, Article 45(1), (2) and (4) and regulation 49(1)”.

(5) In regulation 36(2) (costs and fees) after “as referred to in”, insert “Article 79(2)(a) and (c) and”.

Signed by authority of the Secretary of State for Health and Social Care.

14th July 2020

*Jo Churchill*  
Parliamentary Under-Secretary of State,  
Department of Health and Social Care

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(6) [S.I. 2009/3255](#) as last amended by [S.I. 2019/1476](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Official Feed and Food Controls (England) Regulations 2009 (“the 2009 Regulations”). The 2009 Regulations provide for the execution and enforcement of 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 (Official Controls Regulations) (OJ No. L95 7.4.2017, p. 1) (“Regulation 2017/625”).

Regulation 2(2) amends regulation 2 to correct a minor error.

Regulation 2(3) substitutes a revised definition of “product” in regulation 22 to provide that food and feed of non-animal origin regulated under Article 47(1)(d), (e) or (f) of Regulation 2017/625 is included in the scope of Part 3. Regulation 2(4) makes a consequential amendment as a result of the revised definition.

Regulation 2(5) amends regulation 36 to make provision for the payment of costs of official controls under Article 79(2)(a) and (c) of Regulation 2017/625 in respect of Part 3.

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