

2021 No. 78

AGRICULTURE

ANIMALS

FOOD

PLANT HEALTH

**The Official Controls (Temporary Measures) (Coronavirus)
(Amendment) Regulations 2021**

Made - - - - at 10.25 a.m. on 26th January 2021

Laid before Parliament at 3.00 p.m. on 26th January 2021

Coming into force - - - 31st January 2021

The Secretary of State, having evidence of a serious disruption in the system of official controls in Great Britain, makes the following Regulations in exercise of the powers conferred by Article 141 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^(a).

In accordance with Article 144(7) of Regulation (EU) 2017/625^(b), before making these Regulations the Secretary of State has consulted such bodies and persons as appear to him to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as he considers appropriate.

In accordance with the preconditions in Article 3(2B) of that Regulation, the Welsh Ministers, in relation to the application of these Regulations in relation to Wales, and the Scottish Ministers, in relation to the application of these Regulations in relation to Scotland, have consented to the Secretary of State making these Regulations.

Citation and commencement

1. These Regulations may be cited as the Official Controls (Temporary Measures) (Coronavirus) (Amendment) Regulations 2021 and come into force on 31st January 2021.

(a) Commission Implementing Regulation (EU) 2017/625; Article 141 was amended by regulation 26 of the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481). Regulation 3(2)(b) of that instrument inserted Article 3(2A) and (2B) (definition of “the appropriate authority”).

(b) Article 144 of Regulation (EU) 2017/625 was substituted by regulation 27(4) of S.I. 2020/1481.

Amendments to 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 (COVID-19)

2.—(1) 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 (COVID-19)(a) is amended as follows.

(2) After Article 2, insert—

“Article 3

Official controls and other official activities may exceptionally be performed by one or more natural persons specifically authorised by the competent authority on the basis of their qualifications, training and practical experience who are in contact with the competent authority by any available means of communication, and who are required to follow the instructions of the competent authority for the performance of such official controls and other official activities. Such persons shall act impartially, and they shall be free from any conflict of interest as regards the official controls and other official activities performed by them.”.

(3) In Article 4(1), at the end of the words before point (a) insert “, whether at a border control post or at a location remote from a border control post”.

(4) In Article 6, for “1st February” substitute “1st July”.

Gardiner of Kimble

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

10.25 a.m. on 26th January 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by Article 141 of Regulation (EU) 2017/625, which is amended by S.I. 2020/1481. They amend Commission Implementing Regulation (EU) 2020/466 to extend the period of application of existing easements and provide further temporary easements in the system of official controls in operation in Great Britain, in order to contain risks of serious disruption to the system caused by the coronavirus pandemic.

Regulation 2 amends Commission Implementing Regulation (EU) 2020/466 to reinstate provision corresponding to Article 3 of that Regulation as it had effect in EU law on its adoption. (Article 3 was omitted by Commission Implementing Regulation (EU) 2020/1087). The reinstated provision permits natural persons specifically authorised by the competent authority to perform official controls and other official activities. Regulation 2 also makes it clear that checks on electronically transmitted documents and other electronic data may be carried out at any location and extends the duration for which the Regulation applies by postponing its expiry date to 1st July 2021.

The Welsh Ministers, in relation to the application of these Regulations in relation to Wales, and the Scottish Ministers, in relation to the application of these Regulations in relation to Scotland, have consented to the Secretary of State making these Regulations.

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(a) Regulation (EU) 2020/466. This Regulation was amended by regulation 38 of S.I. 2020/1481.

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