

**2022 No. 1090**

**AGRICULTURE**

**ANIMALS**

**FOOD**

**PLANT HEALTH**

**SEEDS, ENGLAND**

**The Animals, Food, Plant Health, Plant Propagating Material  
and Seeds (Miscellaneous Amendments etc.) Regulations 2022**

<i>Sift requirements satisfied</i>	<i>6th September 2022</i>
<i>Made</i> - - - -	<i>25th October 2022</i>
<i>Laid before Parliament</i>	<i>26th October 2022</i>
<i>Coming into force</i> - -	<i>16th November 2022</i>

The Secretary of State, in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union Withdrawal Act 2018<sup>(a)</sup>, makes the following Regulations.

## **PART 1**

### **Introductory**

#### **Citation, commencement, extent and application**

**1.**—(1) These Regulations may be cited as the Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022 and come into force 21 days after the day on which they are laid.

(2) These Regulations, except for Part 2, extend to England and Wales, Scotland and Northern Ireland, but apply in relation to England and Wales, and Scotland.

(3) Part 2 of these Regulations extends to England and Wales, but applies in relation to England.

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<sup>(a)</sup> 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5 to, that Act.

## PART 2

### Amendment of subordinate legislation applying in relation to England

#### **The Seed Marketing Regulations 2011**

**2.**—(1) The Seed Marketing Regulations 2011(a) are amended as follows.

(2) In Schedule 2—

(a) in paragraph A1 (interpretation)—

(i) after the definition of “EU Plant Health Regulation” insert—

““GB quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”

(ii) in the definition of “protected zone quarantine pest”, for “protected zone” substitute “PFA”;

(iii) in the definition of “RNQP”, for “Union” substitute “GB”;

(iv) omit the definition of “Union quarantine pest”.

(b) in paragraphs 15(5), 28(4), 42(4) and 50(4A) (crop and seed requirements), in each place they occur—

(i) for “protected zone” substitute “PFA”;

(ii) for “Union” substitute “GB”.

#### **The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017**

**3.**—(1) The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(b) are amended as follows.

(2) In regulation 2 (interpretation: general), in the definition of “RNQP”, for “Union” substitute “GB”.

## PART 3

### Amendment of retained direct EU legislation applying in relation to Great Britain

#### **Commission Decision 1997/747/EC fixing the levels and frequencies of sampling provided for by Council Directive 96/23/EC for the monitoring of certain substances and residues thereof in certain animal products**

**4.**—(1) Commission Decision 1997/747/EC fixing the levels and frequencies of sampling provided for by Council Directive 96/23/EC(c) for the monitoring of certain substances and residues thereof in certain animal products is amended as follows.

(2) In Article 1—

(a) number the existing text as paragraph 1;

(b) after paragraph 1 insert—

“2. In this Decision, “competent authority” has the meaning given in Article 3(3) of Regulation (EU) 2017/625(d).”

(3) Omit Articles 2 and 3.

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(a) S.I. 2011/463, as amended by S.I. 2020/682. There are other amendments not relevant to these Regulations.

(b) S.I. 2017/595, as amended by S.I. 2020/682. There are other amendments not relevant to these Regulations.

(c) EUDN 1997/747.

(d) EUR 2017/625. Article 3(3) was amended by S.I. 2020/1481. There are other amendments not relevant to these Regulations.

- (4) In the Annex—
- (a) in Chapter 1—
    - (i) in point 1—
      - (aa) for “Member States” substitute “competent authority”;
      - (bb) for “Member State” substitute “relevant constituent territory of Great Britain”.
    - (ii) in point 2, for “Member State” substitute “competent authority”.
  - (b) in Chapter 2—
    - (i) in point 1A, for “Member States” substitute “competent authority”;
    - (ii) in point 1B—
      - (aa) for “each Member State”, substitute “the competent authority of the relevant constituent territory of Great Britain”;
      - (bb) for “individual Member State” substitute “relevant constituent territory of Great Britain”.
    - (iii) in point 2, for “each Member State” substitute “the competent authority”.
  - (c) in Chapter 3—
    - (i) in point 1, for “Member State”, in both places it occurs, substitute “relevant constituent territory of Great Britain”;
    - (ii) in points 1A and 2A, in both places it occurs, omit “Without prejudice to the provisions of Directive 96/23/EC”;
    - (iii) in point 2B—
      - (aa) in the first place it occurs, for “Member States” substitute “competent authority”;
      - (bb) omit the final paragraph.
    - (iv) in point 3, omit the final paragraph.
  - (d) in Chapter 4, for “Member States” substitute “competent authority”.

**Regulation (EC) 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies**

**5.**—(1) Regulation (EC) 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>(a)</sup> is amended as follows.

- (2) In Article 3(1), after point (r), insert—
 

“(s) “national reference laboratory”: a laboratory designated in accordance with Article 100 of Regulation (EU) 2017/625”.
- (3) In Article 12(2), omit the words from “the national reference laboratory” to “Article 19(2),”.
- (4) In the heading to Annex 9, for “the Union” substitute “Great Britain”.
- (5) In Annex 10, in point 1 of Chapter C, for “EU reference laboratory” substitute “national reference laboratory”.

**Commission Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China**

**6.**—(1) Commission Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China<sup>(b)</sup> is amended as follows.

- (2) In Article 1—

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<sup>(a)</sup> EUR 2001/999, as amended by S.I. 2019/170 and 2019/588.

<sup>(b)</sup> EUDN 2002/994.

- (a) number the existing text as paragraph 1;
- (b) after paragraph 1 insert—

“2. In this Decision:

“competent authority” has the meaning given in Article 3(3) of Regulation (EU) 2017/625;

“the Food Supplements Regulations” means—

- (i) as regards England, the Food Supplements (England) Regulations 2003(a);
- (ii) as regards Wales, the Food Supplements (Wales) Regulations 2003(b);
- (iii) as regards Scotland, the Food Supplements (Scotland) Regulations 2003(c).”

(3) In Article 2—

- (a) in paragraph 1, for “Member States” substitute “Competent authorities”;
- (b) in paragraph 2, for “Member States” substitute “competent authorities”.

(4) In Article 3, for “Member States” substitute “Competent authorities”.

(5) Omit Article 5.

(6) In Article 6, for “Community experts” substitute “experts appointed by the competent authority”.

(7) Omit Article 9.

(8) In the Annex—

- (a) in Part 1—
  - (i) in the heading, for “the Union” substitute “Great Britain”;
  - (ii) for “Directive 2002/46/EC of the European Parliament and of the Council” substitute “the Food Supplements Regulations”.
- (b) in Part 2, in the heading, for “the Community” substitute “Great Britain”.

#### **Commission Decision 2003/863/EC on health certificates for the importation of animal products from the United States of America**

**7.—**(1) Commission Decision 2003/863/EC on health certificates for the importation of animal products from the United States of America(d) is amended as follows.

(2) In Article 1—

- (a) number the existing text as paragraph 1;
- (b) in paragraph 1—
  - (i) for “The Member States” substitute “Competent authorities”;
  - (ii) for the words from “in accordance with” until the end, substitute “in the form published by the appropriate authority from time to time”.

(c) after paragraph 1 insert—

“2. In this Decision:

“competent authority” has the meaning given in Article 3(3) of Regulation (EU) 2017/625;

“appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the “appropriate authority” is the Secretary of State if consent is given by:

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(a) S.I. 2003/1387, amended by S.I. 2005/2626, 2007/330, 2009/3251, 2014/1855 and 2019/651.  
 (b) S.I. 2003/1719 (W. 186), amended by S.I. 2005/3254 (W. 247), 2007/1076 (W. 114), 2009/3252 (W. 282), 2014/2303 (W. 227) and 2019/179 (W. 45).  
 (c) S.S.I. 2003/278, amended by S.S.I. 2005/616, 2007/78, 2009/438, 2014/312 and 2019/54.  
 (d) EUDN 2003/863.

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers”.
- (3) Omit Article 3.
- (4) Omit Annexes A and B.

**Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97**

**8.**—(1) Council Regulation (EC) No 1/2005(a) on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 is amended as follows.

(2) In Article 5(4), for “between Great Britain and third countries” substitute “from third countries to Great Britain, from Great Britain to third countries or that transit through Great Britain”.

**Commission Decision 2006/199/EC laying down specific conditions for imports of fishery products from the United States of America**

**9.**—(1) Commission Decision 2006/199/EC laying down specific conditions for imports of fishery products from the United States of America(b) is amended as follows.

- (2) Omit Article 1.
- (3) In Article 2, for “the Community” substitute “Great Britain”.
- (4) In Article 3—
  - (a) in paragraph 1, for “in accordance with the model set out in Annex 1” substitute “in the form published by the appropriate authority from time to time”;
  - (b) in paragraph 2, for the words from “at least” to the end, substitute “English and may also include other languages”;
  - (c) after paragraph 3, insert—
    - “(4) In this Article:
    - “appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); 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.
    - “FDA” means the Food and Drug Administration;
    - “NMFS-NOAA” means the National Marine Fisheries Service — National Oceanic & Atmospheric Administration.”
- (5) Omit Article 7.
- (6) Omit Annex 1.

**Commission Decision 2007/82/EC on emergency measures suspending imports from the Republic of Guinea of fishery products intended for human consumption**

**10.**—(1) Commission Decision 2007/82/EC on emergency measures suspending imports from the Republic of Guinea of fishery products intended for human consumption(c) is amended as follows.

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(a) EUR 2005/1, as amended by S.I. 2019/802. There are other amendments not relevant to these Regulations.  
 (b) EUDN 2006/199.  
 (c) EUDN 2007/82.

(2) In Article 2—

- (a) for “Member States” substitute “Competent authorities”;
- (b) omit the second sentence;
- (c) at the end, insert—

“In this Decision, “competent authority” has the meaning given in Article 3(3) of Regulation (EU) 2017/625.”.

(3) Omit Articles 4 and 5.

**Commission Decision 2007/642/EC on emergency measures applying to fishery products imported from Albania and intended for human consumption**

**11.**—(1) Commission Decision 2007/642/EC on emergency measures applying to fishery products imported from Albania and intended for human consumption<sup>(a)</sup> is amended as follows.

(2) In Article 1—

- (a) number the existing text as paragraph 1;
- (b) after paragraph 1 insert—

“2. In this Decision, “competent authority” has the meaning given in Article 3(3) of Regulation (EU) 2017/625”.

(3) In Article 2—

- (a) in paragraph 1—
  - (i) for “Member States” substitute “Competent authorities”;
  - (ii) for “the Community” substitute “Great Britain”.
- (b) in paragraph 2—
  - (i) for “Member States” substitute “competent authorities”;
  - (ii) for “importing Member State” substitute “competent authority”.

(4) Omit Articles 3 and 5.

(5) In Article 6, for “Community experts” substitute “experts appointed by the competent authority”.

(6) Omit Article 7.

**Commission Decision 2010/381/EU on emergency measures applicable to consignments of aquaculture products imported from India and intended for human consumption**

**12.**—(1) Commission Decision 2010/381/EU on emergency measures applicable to consignments of aquaculture products imported from India and intended for human consumption<sup>(b)</sup> is amended as follows.

(2) In Article 1—

- (a) number the existing text as paragraph 1;
- (b) after paragraph 1 insert—

“2. In this Decision, “competent authority” has the meaning given in Article 3(3) of Regulation (EU) 2017/625.”

(3) In Article 2—

- (a) in paragraph 1—
  - (i) for “Member States” substitute “Competent authorities”;

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<sup>(a)</sup> EUDN 2007/642.

<sup>(b)</sup> EUDN 2010/381.

- (ii) for “the Union” substitute “Great Britain”.
- (b) in paragraph 2—
  - (i) for “Member States” substitute “competent authorities”;
  - (ii) for “importing Member State” substitute “competent authority”.
- (4) In Article 3(1)—
  - (i) for “Member States” substitute “Competent authorities”;
  - (ii) omit “on their territory”.
- (5) In Article 4, omit “of the Member State concerned”.
- (6) In Article 5(1)—
  - (a) in the words before point (a)—
    - (i) for “Member States” substitute “A competent authority”;
    - (ii) for “the Commission” substitute “the competent authorities of the other relevant territories of Great Britain”.
  - (b) in point (b)—
    - (i) for “Member State” substitute “competent authority”;
    - (ii) omit “the Commission of”.
  - (c) omit the last sentence.
- (7) Omit Article 8.

**Regulation (EU) 2017/625 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**

**13.—**(1) Regulation (EU) 2017/625 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<sup>(a)</sup> is amended as follows.

(2) In Article 21(2)(b), in the words before point (i), before “from Great Britain to” insert “from third countries into Great Britain, transiting through Great Britain or”.

**Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon**

**14.—**(1) Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon<sup>(b)</sup> is amended as follows.

(2) For Article 1, substitute—

*“Article 1*

Authorisation to provide for derogation

1. By way of derogation from Article 40(1) of Regulation (EU) 2016/2031<sup>(c)</sup>, as read with entry 17 of the table in Part A of Annex 6 to Regulation (EU) 2019/2072<sup>(d)</sup>, competent authorities may authorise the introduction into their territory of potatoes

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<sup>(a)</sup> EUR 2017/625, as amended by S.I. 2020/1481. There are other amendments not relevant to these Regulations.

<sup>(b)</sup> EUDN 2019/1614.

<sup>(c)</sup> EUR 2016/2031. Article 40 was amended by S.I. 2020/1482.

<sup>(d)</sup> EUR 2019/2072. Annex 6 was amended by S.I. 2020/1527 and 2021/1171.

specified in that table where they originate in the regions of Akkar and Bekaa of Lebanon, and satisfy the conditions set out in the Annex to this Decision.

2. In this Decision—

- (a) “competent authority” has the meaning given in Article 2(6) of Regulation (EU) 2016/2031;
- (b) “third country” means any country or territory outside of the United Kingdom;
- (c) “UK NPPO” has the meaning given in Article 2(43) of Regulation (EU) 2016/2031”.

(3) In Article 2—

- (a) in the opening paragraph, for “as set out in Article 13a(3) of Directive 2000/29/EC” substitute “as provided for in Article 76 of Regulation (EU) 2016/2031”;
- (b) in point (a), in the first place it occurs, omit “EU”.

(4) In Article 3—

- (a) in paragraph 1—
  - (i) for “the Union” substitute “Great Britain”;
  - (ii) for “Member State” substitute “competent authority in relation to the territory of Great Britain”;
- (b) omit paragraph 2.

(5) In Article 4—

- (a) in the heading, for “Member States” substitute “competent authorities”;
- (b) in paragraph 3, for the words from “point 1.1” to the end, substitute “EPPO PM 7/59”;
- (c) in paragraph 4—
  - (i) in the first sentence, for “the Union” substitute “Great Britain”;
  - (ii) in the second sentence, for the words from “point 1.1” to the end, substitute “EPPO PM 7/59”.
- (d) in paragraph 5—
  - (i) in the first sentence, for the words from “point 1.2” to the end, substitute “EPPO PM 7/59”;
  - (ii) in the last sentence, for “the Union” substitute “Great Britain”.

(e) at the end, insert as a new paragraph—

“(6) In this Article, “EPPO PM 7/59” (“EPPO PM 7/59”) means the standard describing a diagnostic protocol for *Clavibacter michiganensis* subsp. *sepedonicus* approved by the European and Mediterranean Plant Protection Organization(a)”.

(6) In Article 5—

- (a) for “Member States”, in both places it occurs, substitute “Competent authorities”;
- (b) in both places it occurs, omit “the Commission and”.

(7) In Article 6(1)—

- (a) for “the Union”, in the first place it occurs, substitute “Great Britain”;
- (b) omit “in one of the official languages of the Union”.

(8) In Article 7, for “the Union” substitute “Great Britain”.

(9) In Article 8, for the words from “responsible” to “concerned” substitute “competent authority with responsibility in relation to the relevant point of entry”.

(10) In Article 9, omit the wording from “This Decision is addressed to” to the end.

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(a) Approved by the European and Mediterranean Plant Protection Organization in September 2005 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at [https://www.eppo.int/RESOURCES/eppo\\_standards/pm7\\_diagnostics](https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics).



(11) In the Annex—

- (a) in points (1) and (2), for “the Commission”, in both places it occurs, substitute “the UK NPPO”;
- (b) in point (4)—
  - (i) in point (a), for “the Union”, substitute “the United Kingdom”;
  - (ii) in point (b), for “the Union” substitute “Great Britain”;
  - (iii) for “Annex 3 to Directive 2000/29/EC” substitute “Article 40(1) of Regulation (EU) 2016/2031”.
- (c) in point (9), in both places it occurs, for “the Union” substitute “Great Britain”.

**Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants**

**15.**—(1) Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants<sup>(a)</sup> is amended as follows.

(2) In Annex 7, in Part A, in column 3 of entry 71 of the table, omit “specified” in each place it occurs.

**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**

**16.**—(1) 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<sup>(b)</sup> is amended as follows.

(2) In Article 11, omit point (c).

## PART 4

### Revocations of retained direct EU legislation

#### Revocations of retained direct EU legislation

**17.** The following retained direct EU legislation is revoked—

- (a) Commission Implementing Decision 2017/2374 setting out conditions for movement, storage and processing of certain fruits and their hybrids originating in third countries to prevent the introduction into the Union of certain harmful organisms<sup>(c)</sup>;
- (b) Commission Implementing Regulation (EU) 2020/178 on the presentation of information to passengers arriving from third countries and to clients of postal services and of certain professional operators concerning the prohibitions as regards the introduction of plants, plant products and other objects into the Union territory in accordance with Regulation (EU) 2016/2031 of the European Parliament and of the Council<sup>(d)</sup>.

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(a) EUR 2019/2072, as amended by S.I. 2020/1527. There are other amendments not relevant to these Regulations.

(b) EUR 2019/2122, as amended by S.I. 2020/1481. There are other amendments not relevant to these Regulations.

(c) EUDN 2017/2374.

(d) EUDN 2020/178.

25th October 2022

*Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively (in particular under section 8(2)(a), (b), (d), (e) and (g)) as a result of the withdrawal of the United Kingdom from the European Union. They also correct minor errors in respect of amendments already made to retained EU law.

Part 2 contains amendments to statutory instruments relating to the marketing of fruit planting materials and seeds in England.

Part 3 contains amendments to retained direct EU legislation relating to the regulation and import of animals and related products, food, plants and plant products.

Part 4 contains revocations of retained direct EU legislation.

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

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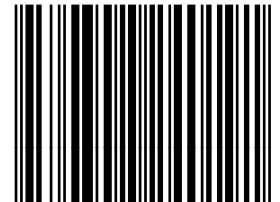
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.



£6.90

<http://www.legislation.gov.uk/id/uksi/2022/1090>

ISBN 978-0-34-824019-1



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