STATUTORY INSTRUMENTS

2022 No. 621

ANIMALS
FOOD
PLANT HEALTH

The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022

Made - - - -	*7th June 2022*
Laid before Parliament	*8th June 2022*
Coming into force in accordance with regulation 1	

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

(a) Article 144(6) of, and paragraph 2 of Annex 6 to, 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(**1**);

(b) paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products Regulations 2011(**2**).

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

In accordance with Article 3(2B)(b) of Regulation (EU) 2017/625(**3**), the Welsh Ministers, in relation to the application of these Regulations to Wales, and the Scottish Ministers, in relation to the application of these Regulations to Scotland, have consented to the Secretary of State making these Regulations.

(**1**) EUR 2017/625. Article 144 is substituted, and Annex 6 inserted, by S.I. 2020/1481. Annex 6 is amended by S.I. 2021/429, 2021/809, 2021/1096 and 2021/1443, and by S.S.I. 2021/342, 2021/493 and 2022/90. "Appropriate authority" is defined in Article 3(2A), and see below as regards Article 3(2B).

(**2**) S.I. 2011/1197; relevant amending instruments are S.I. 2019/1488, 2020/109, 2020/1462 and 2020/1631, 2021/429, 2021/809, 2021/1096 and 2021/1443. Paragraph 11A of Schedule 2 is inserted by S.I. 2020/1631 and enables the Secretary of State to amend, modify or revoke any retained direct minor EU legislation made under Article 8(4) of Council Directive 2002/99/EC (O.J. No. L 18, 23.1.2008, p.11). S.I. 2020/1666, which is amended by regulation 3 of this instrument, amends Commission Decision 2000/572/EC (EUDN 2000/572). Commission Decision 2000/572/EC (O.J. No. L 240, 23.9.2000, p.19) was adopted under Council Directive 94/65/EC (O.J. No. L 368, 31.12.1994, p.10). Council Directive 94/65/EC was repealed by Directive 2004/41/EC of the European Parliament and of the Council (O.J. No. L 157, 30.4.2004, p.33), which provided in Article 4 that references to certain Directives, including Council Directive 94/65/EC, should be construed as being made, as the context demands, to Council Directive 2002/99/EC.

(**3**) Article 3(2B) is inserted by S.I. 2020/1481.

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations—

(a) may be cited as the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022; and

(b) come into force on 29th June 2022, with the exception of regulation 2(2)(a) and (c), which comes into force on 22nd July 2022.

(2) These Regulations extend to England and Wales and Scotland, except for regulation 3, which extends to England and Wales only.

(3) Regulation 3 applies in relation to England only.

(4) In these Regulations, "Regulation (EU) 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.

Amendments to Regulation (EU) 2017/625

2.—(1) Regulation (EU) 2017/625 is amended as follows.

(2) In Annex 6—

(a) in paragraph 2, in the definition of "appropriate frequency rate", in point (b), for the words from "Commission Implementing Regulation" to the end substitute "regulations made under Article 54(3)";

(b) in paragraph 5, in the text inserted in Article 44 of Regulation (EU) 2017/625 for the purposes of the application of that Regulation to relevant goods entering Great Britain from a relevant third country (as mentioned in paragraph 3 of Annex 6)—

(i) in paragraph 1A, before "The competent authorities" insert "Subject to paragraph 1C,";

(ii) after paragraph 1B, insert—

"**1C.** The competent authorities must perform identity checks and physical checks on consignments consisting of plants, plant products and other objects specified in Schedule 2 to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020(**4**) at the appropriate frequency rate.";

(c) after paragraph 5, insert—

"**5A.** In Article 44(2), for "On animals and goods" substitute "Subject to paragraph (2A), for animals and goods".

5B. After Article 44(2) insert—

"**2A.** For plants, plant products and other objects specified in Schedule 2 to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020, the appropriate frequency of the official controls shall be determined having regard to the information specified in any regulations made under Article 54(3).".";

(d) in paragraph 10, for "Articles 53 and 54" substitute "Articles 53(2) and 54(1)".

(**4**) S.I. 2020/1482, to which there are amendments not relevant to this instrument.

Amendment to the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020

3.—(1) The Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020(**5**) are amended as follows.

(2) In regulation 3(1) (transitory modification of Commission Decision 2000/572/EC), for "30th June" substitute "31st December".

Amendment to the Official Controls (Extension of Transitional Periods) Regulations 2021

4.—(1) The Official Controls (Extension of Transitional Periods) Regulations 2021(**6**) are amended as follows.

(2) For regulation 2 (end of the transitional staging period) substitute—

"**End of the transitional staging period**

2. For the purposes of sub-paragraph (b) of the definition of "the transitional staging period" in paragraph 2 (interpretation) of Annex 6 to 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, the appointed date is 31st December 2022.".

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

7th June 2022

(**5**) S.I. 2020/1666; relevant amending instruments are S.I. 2021/366, 2021/972 and 2021/1443.
(**6**) S.I. 2021/809; relevant amending instruments are S.I. 2021/1096 and 2021/1443, and S.S.I. 2021/297 and S.S.I. 2021/493.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Official Controls (Extension of Transitional Periods) Regulations 2021 (S.I. 2021/809), to change the end date of "the transitional staging period" (defined in Annex 6 to Regulation (EU) 2017/625 (EUR 2017/625)) from 30th June 2022 to 31st December 2022 (regulation 4).

Regulation 2 amends Regulation (EU) 2017/625 to enable regulation-making powers in Articles 53 and 54 of that Regulation to be exercised during the transitional staging period. It also makes provision for the "appropriate frequency rate" (defined in Annex 6 to Regulation (EU) 2017/625) for certain plants and plant products to be set by reference to regulations made using those powers.

The Regulations also amend the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (S.I. 2020/1666) to extend the temporary suspension of the requirement for meat preparations to be deep-frozen where they are imported into England from EEA member States, the Faroe Islands, Greenland or Switzerland, bringing it into line with the extended duration of the transitional staging period (regulation 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.