

## SCHEDULES

### SCHEDULE 1

#### EXCLUSIONS FROM MARKET ACCESS PRINCIPLES

##### *Threats to human, animal or plant health*

- 2 (1) The mutual recognition principle for goods does not apply to (and section 2(3) does not affect the operation of) legislation so far as it satisfies the conditions set out in this paragraph.
- (2) The first condition is that the aim of the legislation is to prevent or reduce the movement of unsafe food or feed into the part of the United Kingdom in which the legislation applies (“the restricting part”) from another part of the United Kingdom (“the affected part”).
- (3) The second condition is that it is reasonable to believe that the food or feed affected by the legislation is, is likely to be, or is at particular risk of being unsafe in a particular respect.
- (4) The third condition is the potential movement of food or feed that is unsafe in that respect into the restricting part from the affected part poses (or would in the absence of the legislation pose) a serious threat to the health of humans or animals in the restricting part.
- (5) The fourth condition is that the responsible administration has provided to the other administrations an assessment of the available evidence in relation to—
- (a) the threat referred to in sub-paragraph (4), and
  - (b) the likely effectiveness of the legislation in addressing that threat.
- (6) The fifth condition is that the legislation can reasonably be justified as necessary in order to address the threat referred to in sub-paragraph (4).
- (7) In this paragraph—
- “food” and “feed” have the same meaning as in Regulation (EC) No 178/2002 (see Articles 2 and 3);
  - “unsafe”—
    - (a) in relation to food, has the same meaning as in Article 14 of Regulation (EC) No 178/2002;
    - (b) in relation to feed, means “unsafe for its intended use” within the meaning given by Article 15(2) of Regulation (EC) No 178/2002;
- “Regulation (EC) No 178/2002” means Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law (etc), as it forms part of retained EU law on IP completion day.