
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956, as amended by S.I. 2004/1265). Those Regulations implemented Commission Decision 97/830/EC repealing Commission Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from Iran (OJNo. L343, 13.12.97, p.30) as last amended by Commission Decision 2004/429/EC (OJNo. L154, 30.4.2004, p. 20). The amendments made by these Regulations implement Commission Decision 2005/85/EC imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from Iran (OJ No. L30, 3.2.2005, p.12), “the new Decision”. The new Decision repealed Commission Decision 97/830/EC.

2. The significant differences between the new Decision and Commission Decision 97/830/EC are that —

- (a) Article 1.1 of the new Decision provides that the health certificate required to accompany a consignment of “Iranian pistachios” (defined in regulation 2(1) of S.I. 2003/1956) shall be valid for import carried out no more than 4 months after the issue date of the health certificate; and
- (b) Article 3 of the new Decision provides that certain costs relating to the import controls on Iranian pistachios imposed by the Decision and the costs relating to official measures taken against non-compliant consignments of Iranian pistachios shall be borne by the person responsible for the consignment.

3. The change described in paragraph 2(a) above is effected by substituting a definition of the new Decision for the definition of Commission Decision 97/830/EC in regulation 2(1) of S.I. 2003/1956 and making consequential changes to regulations 3(1) and 4(4) of that instrument (*regulation 2(2) (a), (3) and (4)*).

4. The change described in paragraph 2(b) above is effected by amending regulations 3(1) and 6(1) of S.I. 2003/1956 to make it a condition of import that the costs relating to import controls have been met and a condition of re-dispatch of non-compliant consignments that the costs relating to official measures taken against them have been met (*regulation 2(3) and (5)*).

5. These Regulations insert a revised definition of Commission Directive 98/53/EC into regulation 2(1) of S.I. 2003/1956 to reflect the amendments made to that Directive (*regulation 2(2) (b)*).

6. These Regulations insert a new paragraph, (2), into regulation 6 of S.I. 2003/1956, which provides that illegal imports of Iranian pistachios may be destroyed if they are not re-dispatched within the period specified in a notice requiring re-dispatch (*regulation 2(5)*).

7. These Regulations remove unnecessary wording from the provision in S.I. 2003/1956 (now regulation 6(3)) which provides that a notice requiring the re-dispatch or destruction of illegal imports of Iranian pistachios has to contain information about the right of appeal (*regulation 2(5)*).

8. These Regulations also revise what is now regulation 6(4) of S.I. 2003/1956 to clarify that on an appeal to a magistrates' court against a notice ordering the re-dispatch or destruction of illegal imports of Iranian pistachios the court must uphold the notice or set it aside (*regulation 2(5)*).

Status: *This is the original version (as it was originally made).*

9. No regulatory impact assessment has been prepared in relation to these Regulations.