

2009 No. 1925

FOOD

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations 2009

| | | |
|-------------------------------|---------|-------------------------|
| <i>Made</i> | - - - - | <i>16th July 2009</i> |
| <i>Laid before Parliament</i> | | <i>20th July 2009</i> |
| <i>Coming into force</i> | - - | <i>10th August 2009</i> |

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy of the European Economic Community and in relation to medicinal products(b).

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act, and those conferred by sections 16(1)(a), (b) and (f), 17(1), 26(1) and 48(1) of the Food Safety Act(c) and now vested in the Secretary of State(d).

In accordance with Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(e), the Secretary of State has consulted those whom the Secretary of State considers likely to be affected by the Regulations.

(a) 1972 c. 68.

(b) S.I. 1972/1811.

(c) 1990 c. 16.

(d) The powers, so far as they are exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State. In so far as they are exercisable in relation to Scotland, they were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46) but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act. In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). However the Ministers of the Crown responsible retained a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38); that concurrent power became vested in the Secretary of State in consequence of section 40 of and Schedules 5 and 6 to the Food Standards Act 1999 (c. 28), but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by regulation 13 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656), to join in making regulations in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002. Schedule 3 of 1998 c. 38 was repealed by the Government of Wales Act 2006 (c. 32); the concurrent power of Ministers of the Crown is now contained in paragraph 5 of Schedule 3 to that Act.

(e) OJ No L 31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No 202/2008 of 4th March 2008 amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the Scientific Panels of the European Food Safety Authority (OJ No. L 60, 5.3.2008, p.17).

Title and commencement

1. These Regulations may be cited as the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations 2009 and come into force on 10th August 2009.

Amendments

2.—(1) The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(a) are amended in accordance with this regulation.

(2) In regulation 2(1), for the definition of “the Council Regulation” substitute—

““the Council Regulation” means Council Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin;”.

(3) In regulation 2(3A), for “2006” substitute “2009”.

(4) In regulation 3—

(a) omit paragraphs (1) and (2);

(b) in paragraphs (3) and (5), before “a list B substance” insert “a list A substance or”; and

(c) in paragraph (4), for “regulations 27 or 28A” substitute “regulation 27”.

(5) For regulation 4, substitute—

“Prohibition on possession of beta-agonists

4. No person, other than a veterinary surgeon, may possess on a farm any veterinary medicinal product containing a beta-agonist which is authorised to be used for induction purposes in the treatment of tocolysis.”.

(6) In regulation 5—

(a) at the end of paragraph (2)(b), add “or”;

(b) in paragraph (2)(c), for “; or” substitute a full stop; and

(c) omit paragraph (2)(d).

(7) In regulation 9(1)(d), omit “, oestradiol 17b,”.

(8) In regulation 26(1), after “administration” insert “of any product which is, or which contains, testosterone or progesterone”.

(9) In regulation 27—

(a) in paragraph 1, after “administration” insert “of any product which is, or which contains, allyl trenbolone or beta-agonists”;

(b) at the end of paragraph (3)(a), add “or”; and

(c) omit paragraph (3)(b).

(10) Omit regulation 28A.

Jim Fitzpatrick
Minister of State

16th July 2009

Department for Environment, Food and Rural Affairs

(a) S.I. 1997/1729 as amended by S.I. 2001/3590, 2004/147, 2005/2626, 2005/3254 (W. 247), S.S.I. 2005/616, and S.I. 2006/755.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 (S.I. 1997/1729) that give effect to Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ No. L 125, 23.5.1996, p.3). The Regulations give effect to the amendments made to that Directive by Directive 2008/97/EC of the European Parliament and of the Council (OJ No. L 318, 28.11.2008, p.9).

Regulation 2 amends the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 as follows—

Paragraphs (2) and (3) update references to Community legislation by means of amendments to regulations 2(1) and 2(3A).

Paragraphs (4)-(7), (9)(b)-(c) and (10) transpose Directive 2008/97/EC by amending regulations 3-5, 9 and 27(3) and by omitting regulation 28A.

Paragraphs (8) and (9)(a) correct drafting errors in regulations 26 and 27(1).

An Impact Assessment has been prepared and a copy has been placed in the library of each House of Parliament together with a Transposition Note setting out how the main elements of Directive 2008/97/EC are transposed in these Regulations. Copies may be obtained from the Veterinary Medicines Directorate, Woodham Lane, Addlestone, Surrey, KT15 3LS.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Contro of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2009 No. 1925

FOOD

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations 2009

£4.00