
STATUTORY INSTRUMENTS

2012 No. 47

The Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2012

Amendment of the Specified Products from China (Restriction on First Placing on the Market) (England) Regulations 2008

2.—(1) The Specified Products from China (Restriction on First Placing on the Market) (England) Regulations 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation) —

(a) in paragraph (1) —

(i) for the definition of “the Commission Decision” substitute the following definition —

““the Commission Decision” means Commission Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC⁽²⁾”;

(ii) omit the definition of “first placing on the market”;

(iii) after the definition of “operator” insert the following definition —

““placing on the market” has the meaning given to it in Article 3.8 of Regulation 178/2002”;

(iv) in the definition of “specified product”, for “the Annex” substitute “Annex I”; and

(b) insert the following paragraph immediately after paragraph (2) —

“(3) Any expression used in the Commission Decision and in these Regulations has the same meaning in these Regulations as it bears in the Commission Decision.”.

(3) For the heading to and paragraph (1) of regulation 3 (restriction on first placing on the market of specified products), substitute the following —

“Restriction on placing on the market of specified products

3.—(1) The placing on the market of any specified product is prohibited unless —

(a) the conditions specified in Article 4 of the Commission Decision have been complied with in relation to the product; and

(b) where the consignment of the specified product has been split following official control, an authenticated copy of the health certificate and the analytical report accompanies each part of the split consignment.”.

(4) Regulation 4 (notification of positive results) is omitted.

(5) For paragraph (4) of regulation 5 (enforcement) substitute the following —

(1) S.I. 2008/1079.

(2) OJNo. L343, 23.12.2011, p.140.

“(4) The requirements are those specified in —

- (a) Article 5 of the Commission Decision (which is concerned with the conditions under which specified products may be placed on the market, the official controls to be carried out and the measures to be taken with regard to non-compliant consignments); and
- (b) the first sentence of Article 7 of that Decision (which is concerned with the control of splitting of consignments).”.

(6) In paragraph (b) of regulation 6 (application of various provisions of the Food Safety Act 1990), for “first placing on the market” substitute “placing on the market”.

(7) Insert the following regulations immediately after regulation 6 —

“Expenses arising from official controls

7. Expenses charged by a feed authority or a food authority to an operator pursuant to Article 8 of the Commission Decision shall be payable by the operator on the written demand of the authority.

Transitional provision

8. The prohibition in regulation 3(1) does not apply in relation to any specified product which left China prior to 1st February 2012 provided that —

- (a) the sampling and analysis have been conducted in accordance with Article 4(3) of the Commission Decision; and
- (b) the placing on the market of the product would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2012.”.