

2013 No. 1683

AGRICULTURE, ENGLAND

FOOD, ENGLAND

The Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2013

<i>Made</i> - - - -	<i>7th July 2013</i>
<i>Laid before Parliament</i>	<i>9th July 2013</i>
<i>Coming into force</i> - -	<i>10th July 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(b).

Title and commencement

1. These Regulations may be cited as the Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2013 and come into force on 10th July 2013.

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(c) are amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) of regulation 2 (interpretation), 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(d), as amended by Commission Implementing Decision 2013/287/EU(e);”.

(a) 1972 c.68.
(b) S.I. 2003/2901.
(c) S.I. 2008/1079. These Regulations were amended by S.I. 2012/47.
(d) OJ No. L343, 23.12.2011, p.140.
(e) OJ No. L162, 14.6.2013, p.10.

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

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

(a) in relation to the product —

(i) the requirement contained in Article 3.2 of the Commission Decision, in respect of products containing, consisting of or produced from rice, to transmit a common entry document or common veterinary entry document, as appropriate, with relevant parts completed, has been met, and

(ii) the conditions specified in Article 4 of the Commission Decision have been complied with; 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) For regulation 8 (transitional provision) substitute the following —

“**8.**—(1) In this regulation, paragraph (2) applies to specified products other than those which correspond to CN Codes 1905 90 60, 1905 90 90 or 2103 90 90, and paragraph (3) applies only to specified products which correspond to those CN Codes.

(2) Until 5th August 2013, the prohibition in regulation 3(1) does not apply in relation to a specified product, provided that —

(a) the product arrived in the EU before 4th July 2013, 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 2013.

(3) Until 5th October 2013, the prohibition in regulation 3(1) does not apply.”

Statutory review

3.—(1) The Food Standards Agency must from time to time —

(a) carry out a review of regulation 2;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) In carrying out the review the Agency must, so far as is reasonable, have regard to how the Commission Decision is implemented in other Member States.

(3) The report must in particular —

(a) set out the objectives intended to be achieved by the regulatory system established by the Specified Products from China (Restriction on First Placing on the Market) (England) Regulations 2008 as they have been amended by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Health.

Anna Soubry
Parliamentary Under-Secretary of State,

7th July 2013

Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which come into force on 10th July 2013, amend the Specified Products from China (Restriction on First Placing on the Market) (England) Regulations 2008 (S.I. 2008/1079 as previously amended by S.I. 2012/47) (“the 2008 Regulations”) in order to implement certain requirements introduced by Commission Implementing Decision 2013/287/EU amending Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China (OJ No. L162, 14.6.2013, p.10) (“Decision 2013/287”).

2. In particular these Regulations amend the 2008 Regulations by —

- (a) amending the definition of “the Commission Decision” so as to include reference to Decision 2013/287 (*regulation 2(2)*);
- (b) providing that rice products from China may not be lawfully placed on the market if they do not comply with certain requirements, including new conditions contained in Article 3.2 of the Commission Decision (*regulation 3(3)*); and
- (c) providing for transitional arrangements in relation to rice products imported into the EU from China before 5th August 2013 in the case of some products and 5th October 2013 in the case of others (*regulation 2(4)*).

3. These Regulations contain provisions requiring the Food Standards Agency to carry out a review of the 2008 Regulations as amended by these Regulations at intervals of not more than 5 years (*regulation 3*).

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