

2014 No. 2748

AGRICULTURE, ENGLAND

FOOD, ENGLAND

The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014

<i>Made</i> - - - -	<i>13th October 2014</i>
<i>Laid before Parliament</i>	<i>17th October 2014</i>
<i>Coming into force</i> - -	<i>11th November 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972^(a).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 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), the common agricultural policy of the European Community^(c) and measures in the veterinary and phytosanitary fields for the protection of public health^(d).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for any reference to the EU instrument referred to in regulation 2(3) to be construed as a reference to that instrument as amended from time to time.

As required by 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) there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

(a) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and has been amended by section 3(3) of and the Schedule to the European Union (Amendment) Act 2008 (2008 c.7).

(b) S.I. 2003/2901.

(c) S.I. 1972/1811.

(d) S.I. 1999/2027.

(e) OJ No. L31, 1.2.2002, p.1, last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny-Part Four (OJ No. L188, 18.7.2009, p.14).

Title and commencement

1. These Regulations may be cited as the Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 and come into force on 11th November 2014.

Amendments to the Official Feed and Food Controls (England) Regulations 2009

2.—(1) The Official Feed and Food Controls (England) Regulations 2009(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—

(a) for the definition that begins with the words “Directive 2004/41” substitute the following definition—

““Directive 2004/41”, “Regulation 999/2001”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 1020/2008”, “Regulation 669/2009”, “Regulation 1162/2009” and “Regulation 211/2013” have the meanings respectively given to them in Schedule 1;” and

(b) in the definition of “the Import Provisions”(b), for “Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts” substitute “Regulation 211/2013”.

(3) In Schedule 1 (definitions of EU legislation) after the final paragraph, insert ““Regulation 211/2013” means Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts(c).”.

Amendments to the Food Safety and Hygiene (England) Regulations 2013

3.—(1) The Food Safety and Hygiene (England) Regulations 2013(d) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation), for the definition that begins with the words “Decision 2006/766” substitute the following definition—

““Decision 2006/766”, “Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation 1020/2008”, “Regulation 1021/2008”, “Regulation 596/2009”, “Regulation 669/2009”, “Regulation 1169/2011”, “Regulation 28/2012”, “Regulation 1079/2013” and “Regulation 579/2014” have the meanings respectively given to them in Schedule 1;”.

(3) Regulation 35 (special health mark) is revoked.

(4) In Schedule 1 (definitions of EU legislation), after the definition of Regulation 1079/2013, add the following definition—

““Regulation 579/2014” means Commission Regulation (EU) No. 579/2014(e) granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea(f).”

(a) S.I. 2009/3255, amended by S.I. 2010/801, S.I. 2010/2280, S.I. 2010/2503, S.I. 2011/136, and S.I. 2013/2996.

(b) The definition of “the Import Provisions” was inserted by S.I. 2013/2996.

(c) OJ No. L 68, 12.3.2013, p. 26, amended by Regulation (EU) No. 704/2014 (OJ No. L 186, 26.06.2014, p. 49).

(d) S.I. 2013/2996.

(e) OJ No. L 160, 29.5.2014, p. 14.

(f) OJ No. L 139, 30.4.2004, p. 1.

(5) In Schedule 2 (specified EU provisions), in the eighth row (referring to Article 4(2) of Regulation 852/2004), at the end of the entry in column 2 (subject matter), omit the full stop and add “and Regulation 579/2014.”

(6) In Schedule 3 (bulk transport in sea going vessels of liquid oils or fats and the bulk transport by sea of raw sugar)—

- (a) omit paragraphs 2, 3, 4, 5 and 6;
- (b) in paragraph 14(1), omit “Commission Directive 96/3/EC or”; and
- (c) omit paragraph 14(2).

(7) Schedule 8 (the special health mark) is revoked.

Statutory review

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

- (a) carry out a review of the operation and effect of regulation 2 and regulation 3;
- (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 reasonably practicable, have regard to how the EU measures enforced by these Regulations are executed and enforced in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory changes made 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.

13th October 2014

Jane Ellison
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations provide for the enforcement of Commission Regulation (EU) No. 704/2014 amending Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts. These Regulations also provide for references to Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts to be references to that Regulation as amended from time to time.

2. These Regulations also provide for the enforcement of Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea.

3. Finally, these Regulations provide for the enforcement of Commission Regulation (EU) No. 218/2014 amending Annexes to Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council and Commission Regulation (EC) No. 2074/2005, which removes the requirement for a special health mark and the restriction to the national market for meat derived from animals that have undergone emergency slaughter.

4. Regulation 2 enforces Commission Regulation (EU) No. 704/2014 by amending Schedule 1 to the Official Feed and Food Controls (England) Regulations 2009 so as to provide that references to Commission Regulation (EU) 211/2013 are to that Regulation as amended.

5. Regulation 3 enforces Commission Regulation (EU) No. 579/2014 by amending regulation 2 (interpretation) of, and Schedules 1 (definitions of EU legislation), 2 (specified EU provisions), and 3 (bulk transport in sea going vessels of liquid oils or fats and the bulk transport by sea of raw sugar) to, the Food Safety and Hygiene (England) Regulations 2013; regulation 3 also implements Commission Regulation (EU) No. 218/2014 by revoking regulation 35 (special health mark) of, and Schedule 8 (the special health mark) to, the Food Safety and Hygiene (England) Regulations 2013.

6. Regulation 4 provides for the Food Standards Agency to carry out periodic reviews of the operation of regulations 2 and 3 and to publish reports setting out the respective conclusions of those reviews.

7. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Food Safety Group of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available at www.legislation.gov.uk.

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