
STATUTORY INSTRUMENTS

2019 No. 639

**EXITING THE EUROPEAN UNION
FOOD**

**The Contaminants in Food (Amendment)
(EU Exit) Regulations 2019**

Made - - - - 18th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 ^{M1}.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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 there has been open and transparent public consultation during the preparation of the following Regulations.

Marginal Citations

M1 2018 c.16.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Contaminants in Food (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

*Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

PART 2

Amendment of retained direct EU legislation

Amendment of Council Regulation (EEC) No. 315/93 laying down Community procedures for contaminants in food

2. Council Regulation (EEC) No. 315/93 laying down Community procedures for contaminants in food is amended as follows.

Commencement Information

I2 Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

3. In Article 1(1) after the definition of ‘Contaminant’ insert—

“‘Food Safety Authority’ means—

- (a) as regards [^{F1}England and Wales], the Food Standards Agency;
- (b) as regards Scotland, Food Standards Scotland;

“appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;

^{F2}(d)

^{F3} ...”.

Textual Amendments

- F1** Words in reg. 3 substituted (31.12.2020 immediately before IP completion day) by The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504), regs. 1(2), **8(2)(a)**
- F2** Words in reg. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504), regs. 1(2), **8(2)(b)**
- F3** Words in reg. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1504), regs. 1(2), **8(2)(c)**

Commencement Information

I3 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

4. In Article 1(2)—

- (a) in the first subparagraph omit ‘Community’;
- (b) omit the second subparagraph.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I4 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

5. For the first subparagraph of Article 2(3) substitute—

“3. In order to protect public health and pursuant to paragraph (1), the appropriate authority may by regulations made in accordance with this Regulation make provision where necessary to establish the maximum tolerances for specific contaminants. These measures are designed to amend non-essential elements of this Regulation by supplementing it.”.

Commencement Information

I5 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

6. In the second subparagraph of Article 2(3) omit “Community”.

Commencement Information

I6 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

7. After the second subparagraph of Article 2(3) insert—

“4. Any power to make regulations under this Regulation—

- (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
- (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
- ^{F4}(c)

5. For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M2} (Scottish statutory instruments).

6. Any power to make regulations under this Regulation includes power—

- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);

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- (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.

7. [^{F5}Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—

- (a) in the case of England, of either House of Parliament;
- (b) in the case of Wales, of the [^{F6}Senedd Cymru];
- (c) in the case of Scotland, of the Scottish Parliament;

^{F7}(d)

8. In this Regulation, any power—

- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
- (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
- (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;

^{F8}(d)”

Textual Amendments

- F4** Words in reg. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(3)(a)**
- F5** Words in reg. 7 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(3)(b)(i)**
- F6** Words in reg. 7 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(3)(b)(ii)**
- F7** Words in reg. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(3)(b)(iii)**
- F8** Words in reg. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(3)(c)**

Commencement Information

- I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M2** [2010 asp 10.](#)

8. In Article 3 for “of the Scientific Committee for Food” substitute “ with the Food Safety Authority”.

Commencement Information

I18 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

9. Omit Articles 4, 5, 6, 7 and 8.

Commencement Information

I19 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

10. After Article 9 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I10 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Commission Regulation (EC) No. 401/2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs

11. Commission Regulation (EC) No. 401/2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs is amended as follows.

Commencement Information

I11 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

12. After Article 4 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I12 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

13. In Annex 1 paragraph A.3.1 omit “as designated by the Member State”.

*Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants
in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

Commencement Information

I13 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

[^{F9}14. In Annex 1 paragraph A.3.6, for “Member States' rules” substitute “the rules applicable in each constituent territory of Great Britain”.]

Textual Amendments

F9 Reg. 14 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(4)**

Commencement Information

I14 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

[^{F10}15. In Annex 1 paragraph A.3.8, for “of the Member State” substitute “ applicable in each constituent territory of Great Britain ”.]

Textual Amendments

F10 Reg. 15 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(5)**

Commencement Information

I15 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

16. In Annex 1 paragraph L1 in the fourth subparagraph for “Union” substitute “ legal ”.

Commencement Information

I16 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

[^{F11}17. In Annex 2 paragraph 3 for “Member States' rules” substitute “ the rules applicable in each constituent territory of Great Britain ”.]

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Textual Amendments

F11 Reg. 17 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(6)**

Commencement Information

I17 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Commission Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs

18. Commission Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs is amended as follows.

Commencement Information

I18 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

19. In Article 2—

- (a) in paragraph 3 omit “Community”;
- (b) omit paragraph 4.

Commencement Information

I19 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F12}20. Omit Article 7(4) to (7).]

Textual Amendments

F12 Reg. 20 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(7)**

Commencement Information

I20 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

PROSPECTIVE

^{F13}21.

Textual Amendments

F13 Reg. 21 omitted (E.W.S.) (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(8)**

PROSPECTIVE

^{F14}22.

Textual Amendments

F14 Reg. 22 omitted (E.W.S.) (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(8)**

23. Omit Article 9.

Commencement Information

I21 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

24. After Article 12 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I22 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Commission Regulation (EC) No. 1882/2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs

25. Commission Regulation [\(EC\) No. 1882/2006](#) laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs is amended as follows.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I23 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

26. After Article 2 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I24 Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F15}**27.** In the Annex—

- (a) in paragraph A.3.1, omit “as designated by the Member State”;
- (b) in paragraph A.3.6, for “Member States' rules” substitute “the rules applicable in each constituent territory of Great Britain”;
- (c) in paragraph A.3.8, for “of the Member State” substitute “ applicable in each constituent territory of Great Britain ”.]

Textual Amendments

F15 Reg. 27 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. [1\(2\)](#), [8\(9\)](#)

Commencement Information

I25 Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Commission Regulation (EC) No. 333/2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs

28. Commission Regulation (EC) No. 333/2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs is amended as follows.

Commencement Information

I26 Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

29. After Article 3 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I27 Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F16}**30.** In the Annex—

- (a) in paragraph B.1.1, omit “as designated by the Member State”;
- (b) in paragraph B.1.6, for “the rules of the Member States” substitute “the rules applicable in each constituent territory of Great Britain”;
- (c) in paragraph B.1.8, for “of the Member States” substitute “ applicable in each constituent territory of Great Britain ”;
- (d) in paragraph C.2.4, for “the rules of the Member States” substitute “the rules applicable in each constituent territory of Great Britain”;
- (e) in paragraph C.3.3.1, in the first paragraph, omit “at European Union level”.]

Textual Amendments

F16 Reg. 30 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(10)**

Commencement Information

I28 Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Commission Regulation (EC) No. 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of those substances in non-target feed

31. Commission Regulation (EC) No. 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of those substances in non-target feed is amended as follows.

Commencement Information

I29 Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

32. After Article 2 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I30 Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Commission Regulation (EU) 2015/705 laying down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs and repealing Commission Directive 80/891/EEC

33. Commission Regulation (EU) 2015/705 laying down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs and repealing Commission Directive 80/891/EEC is amended as follows.

Commencement Information

I31 Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

34. After Article 3 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I32 Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

[^{F17}**35.** In the Annex—

- (a) in paragraph B.1.1, omit “designated by the Member State”;
- (b) in paragraph B.1.6, for “the rules of the Member States” substitute “ the rules applicable in each constituent territory of Great Britain ”;
- (c) in paragraph B.1.8, for “of the Member States” substitute “ applicable in each constituent territory of Great Britain ”;
- (d) in paragraph C.3.3.1, in the first paragraph, omit “at European Union level”.]

Textual Amendments

F17 Reg. 35 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(11)**

Commencement Information

I33 Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Amendment of Commission Regulation (EU) 2017/644 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No. 589/2014

36. Commission Regulation (EU) 2017/644 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No. 589/2014 is amended as follows.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I34 Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

37. After Article 6 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I35 Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

38. In Annex 1 paragraph 1.1 for “the Annex to Recommendation 2013/711/EU” substitute “Annex 5”.

Commencement Information

I36 Reg. 38 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F18}**39.** In Annex 2, in Section 2—

- (a) in paragraph 1 omit “as designated by the Member State”;
- (b) in paragraph 6 for “a Member States' rules” substitute “ the rules applicable in each constituent territory of Great Britain ”;
- (c) in paragraph 8 for “of the Member States” substitute “ applicable in each constituent territory of Great Britain ”.]

Textual Amendments

F18 Reg. 39 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **8(12)**

Commencement Information

I37 Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

40. After Annex 4 insert the Annex set out in the Schedule to these Regulations.

Commencement Information

I38 Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Status: *This version of this Instrument contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the The Contaminants
in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

Signed by authority of the Secretary of State for Health and Social Care.

Department of Health and Social Care

Steve Brine
Parliamentary Under-Secretary of State,

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Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

SCHEDULE

Regulation 40

Wording for inclusion in Commission Regulation (EU) 2017/644 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No. 589/2014

Commencement Information

I39 Sch. in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

“ANNEX 5

For the purposes of this Annex the following definitions apply—

“Dioxins + furans (WHO-TEQ)” means the sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs), expressed as World Health Organisation (WHO) toxic equivalent using the WHO-toxic equivalency factors (WHO-TEFs);

“Dioxin-like PCBs (WHO-TEQ)” means the sum of polychlorinated biphenyls (PCBs), expressed as WHO toxic equivalent using the WHO-TEFs;

“WHO-TEFs” means the World Health Organisation toxic equivalence factors for human risk assessment based on the conclusions of the World Health Organization (WHO) — International Programme on Chemical Safety (IPCS) expert meeting which was held in Geneva in June 2005 (Martin van den Berg et al., The 2005 World Health Organization Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds. Toxicological Sciences 93(2), 223–241 (2006)).

<i>Food</i>	<i>Action level for dioxins and furans (WHO-TEQ)¹</i>	<i>Action level for dioxin-like PCBs (WHO-TEQ)¹</i>
Meat and meat products (excluding edible offal) ² of the following animals		
—bovine animals and sheep	1,75 pg/g fat ³	1,75 pg/g fat ³
—poultry	1,25 pg/g fat ³	0,75 pg/g fat ³
—pigs	0,75 pg/g fat ³	0,50 pg/g fat ³
—Mixed fats	1,00 pg/g fat ³	0,75 pg/g fat ³
Muscle meat of farmed fish and farmed fishery products	1,50 pg/g wet weight	2,50 pg/g wet weight

¹ Upperbound concentrations: Upperbound concentrations are calculated assuming that all the values of the different congeners less than the limit of quantification are equal to the limit of quantification.

² Foodstuffs listed in this category as defined in Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.

³ The action levels are not applicable for food products containing < 2 % fat.

⁴ For dried fruits and dried vegetables (including dried herbs), Article 2 of Regulation (EC) No 1881/2006 is applicable. For dried herbs, a concentration factor as the consequence of drying of 7 has to be taken into account.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Raw milk ² and dairy products ² , including butter fat	1,75 pg/g fat ³	2,00 pg/g fat ³
Hen eggs and egg products ²	1,75 pg/g fat ³	1,75 pg/g fat ³
Clays as food supplement	0,50 pg/g wet weight	0,50 pg/g wet weight
Cereals and oilseeds	0,50 pg/g wet weight	0,35 pg/g wet weight
Fruits and vegetables (including fresh herbs) ⁴	0,30 pg/g wet weight	0,10 pg/g wet weight”

¹ Upperbound concentrations: Upperbound concentrations are calculated assuming that all the values of the different congeners less than the limit of quantification are equal to the limit of quantification.

² Foodstuffs listed in this category as defined in Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.

³ The action levels are not applicable for food products containing < 2 % fat.

⁴ For dried fruits and dried vegetables (including dried herbs), Article 2 of Regulation (EC) No 1881/2006 is applicable. For dried herbs, a concentration factor as the consequence of drying of 7 has to be taken into account.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular, the Regulations address the deficiency specified in section 8(2)(b) of that Act, namely the conferral of functions by retained EU law on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom. These Regulations make amendments to retained direct EU legislation in the field of contaminants in food. Part 2 amends retained direct EU legislation for the whole of the United Kingdom. An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Contaminants in Food (Amendment) (EU Exit) Regulations 2019.