

STATUTORY INSTRUMENTS

2019 No. 639

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

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

- I1** 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)**

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

- 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

- I2** 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.

Commencement Information

- I3** 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

- I4** 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

- I5** 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 ^{M1} (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);

(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)**

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

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

I6 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

M1 [2010 asp 10](#).

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

Commencement Information

I7 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

I8 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

I9 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

I10 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

I11 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”.

Commencement Information

I12 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

I13 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

I14 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 ”.

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

Commencement Information

- I15** 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 ”.]

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

- I16** 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

- I17** 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

- I18** 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)**

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

Commencement Information

I19 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](#)

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

I20 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

I21 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](#)

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

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.

Commencement Information

I22 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

I23 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

I24 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

I25 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.”.

Commencement Information

I26 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

I27 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

I28 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](#)

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

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

Commencement Information

I29 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

I30 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

I31 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

I32 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.

Commencement Information

I33 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

I34 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

I35 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

I36 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](#)

Status: Point in time view as at 31/12/2020. This version of this part 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, PART 2. (See end of Document for details)

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

.....
Commencement Information

I37 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:

Point in time view as at 31/12/2020. This version of this part 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, PART 2.