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STATUTORY INSTRUMENTS

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**2019 No. 665**

The Official Controls for Feed, Food and Animal Health  
and Welfare (Amendment etc.) (EU Exit) Regulations 2019

PART 3

Amendment of retained direct EU legislation

**Regulation (EC) No. 882/2004 of the European Parliament and of the Council**

**40.** In Article 46—

- (a) for the heading substitute “Controls in third countries”;
- (b) in paragraph 1—
  - (i) for the opening paragraph, substitute—

“1. The appropriate authority may carry out official controls in third countries, in order to verify, on the basis of the information referred to in Article 47(1), the compliance or equivalence of their legislation with retained EU law relating to feed, food and animal and plant health and animal welfare, and shall have particular regard to—”;
  - (ii) in point (f), omit “the Commission and”;
  - (iii) in point (h), for “Community” substitute “United Kingdom feed, food and animal and plant health and animal welfare”;
- (c) in paragraph 2, for “Commission” substitute “appropriate authority”;
- (d) in paragraph 3—
  - (i) in the opening words, omit “Community”;
  - (ii) in point (a), for “Community” substitute “United Kingdom”;
  - (iii) in point (b), for “Community” substitute “retained EU”;
  - (iv) in point (d), for “Commission services or other inspection bodies have” substitute “appropriate authority has”;
  - (v) in point (e), omit “of Member States”;
  - (vi) for the final subparagraph, substitute—

“The criteria for determining risk for the purpose of the risk assessment referred to in point (a) shall be prescribed by the appropriate authority.”;
- (e) in paragraph 4, for “The procedure and detailed rules for controls in third countries may be determined or amended in accordance with the procedure referred to in Article 62(3)”, substitute “The appropriate authority may prescribe the procedure and detailed rules for controls in third countries”;
- (f) for paragraph 5, substitute—

“5. If, during a control, a serious risk to human or animal health is identified, the appropriate authority must, in exercise of relevant powers, immediately adopt any necessary emergency measures or safeguard provisions.”;

(g) for paragraph 6 substitute—

“6. Any audit report shall, if appropriate, contain recommendations and such report must be made publicly available.”;

(h) omit paragraph 7.