

2021 No. 1443

ANIMALS, ENGLAND AND WALES

FOOD, ENGLAND AND WALES

PLANT HEALTH, ENGLAND AND WALES

**The Official Controls (Extension of Transitional Periods)
(England and Wales) (Amendment) (No. 2) Regulations 2021**

Made - - - -at 12.18 p.m. on 15th December 2021

Laid before Parliament at 4.30 p.m. on 15th December 2021

Coming into force - - - 30th December 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) Article 144(6) of, and paragraph 2 of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(a);
- (b) paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products Regulations 2011(b).

In accordance with Article 144(7) of Regulation (EU) 2017/625, before making these Regulations, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

In accordance with Article 3(2B)(b) of Regulation (EU) 2017/625(c), the Welsh Ministers, in relation to the application of these Regulations to Wales, have consented to the Secretary of State making these Regulations.

(a) EUR 2017/625. Article 144 is substituted, and Annex 6 inserted, by S.I. 2020/1481. Annex 6 is amended by S.I. 2021/429, 2021/809 and 2021/1096 and by S.S.I. 2021/342.

(b) S.I. 2011/1197; relevant amending instruments are S.I. 2019/1488, 2020/109, 2020/1462 and 2020/1631, 2021/429, 2021/809 and 2021/1096. Paragraph 11A of Schedule 2 is inserted by S.I. 2020/1631 and enables the Secretary of State to amend, modify or revoke any retained direct minor EU legislation made under Article 8(4) of Council Directive 2002/99/EC (O.J. No. L 18, 23.1.2008, p.11). S.I. 2020/1666, which is amended by regulation 6 of this instrument, amends Commission Decision 2000/572/EC (EUDN 2000/572). Commission Decision 2000/572/EC (O.J. No. L 240, 23.9.2000, p.19) was adopted under Council Directive 94/65/EC (O.J. No. L 368, 31.12.1994, p.10). Council Directive 94/65/EC was repealed by Directive 2004/41/EC of the European Parliament and of the Council (O.J. No. L 157, 30.4.2004, p.33), which provided in Article 4 that references to certain Directives, including Council Directive 94/65/EC, should be construed as being made, as the context demands, to Council Directive 2002/99/EC.

(c) Article 3(2B) is inserted by S.I. 2020/1481.

Citation, commencement, extent and application

1.—(1) These Regulations—

- (a) may be cited as the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021; and
- (b) come into force on 30th December 2021.

(2) This regulation and regulations 2, 5 and 7 extend to England and Wales.

(3) Regulations 3, 4 and 6 apply in relation to England only.

Amendments to Regulation (EU) 2017/625

2.—(1) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products is amended as follows.

(2) In Annex 6, in paragraph 13, in the text of Article 56A, as inserted for the purposes mentioned in paragraph 3 of Annex 6—

(a) in paragraph 4—

- (i) for “From 1st January 2022” substitute “Subject to paragraph 4A, from 1st January 2022”;
- (ii) after sub-paragraph (b) insert—

“(c) animal by-products not already covered by paragraph 3(b).”;

(b) after paragraph 4 insert—

“4A. Paragraph 4 does not apply to relevant goods which—

- (a) are within the scope of Article 7 or Article 10 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market^(a); or
- (b) are imported into Great Britain from the Republic of Ireland where the condition in paragraph 4B is met.

4B. The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland or the Republic of Ireland if they are processed there.”.

Amendments to the Trade in Animals and Related Products Regulations 2011

3.—(1) The Trade in Animals and Related Products Regulations 2011^(b) are amended as follows.

(2) In Schedule 5—

(a) in paragraph 5—

(i) in sub-paragraph (3)—

- (aa) for “From 1st January 2022” substitute “Subject to sub-paragraph (3A), from 1st January 2022”;
- (bb) after “products of animal origin” insert “or animal by-products not already covered by paragraph (2)(c)”;

(a) EUR 2019/2122, which is amended by S.I. 2020/1481.

(b) S.I. 2011/1197; relevant amending instruments are S.I. 2019/1488, 2020/109, 1462 and 1631, 2021/429, 809 and 1096.

- (ii) after paragraph (3), insert—
 - “(3A) Paragraph (3) does not apply to relevant goods which—
 - (a) are within the scope of Article 7 or Article 10 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market; or
 - (b) are imported into Great Britain from the Republic of Ireland where the condition in paragraph (3B) is met.
 - (3B) The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland or the Republic of Ireland if they are processed there.”;
- (b) for paragraph 8(a) substitute—
 - “(a) in paragraph (1)—
 - (i) for “the checks at a border control post” there were substituted “checks”;
 - (ii) after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5”;
- (c) for paragraph 9 substitute—
 - “Regulation 23 applies as if, in paragraph (1)—
 - (a) for “the checks at a border control post” there were substituted “checks”;
 - (b) after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5,”.

Amendments to the Plant Health etc. (Fees) (England) Regulations 2018

- 4.—**(1) The Plant Health etc. (Fees) (England) Regulations 2018(a) are amended as follows.
- (2) In regulation 3—
- (a) in paragraph (2E), for “1st March 2022” substitute “the end of the transitional staging period”;
 - (b) in paragraph (3), after sub-paragraph (b) insert—
 - “(ba) “the transitional staging period” has the meaning given in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.”.
- (3) In the title to Schedule 2A, for “1st March 2022” substitute “the end of the transitional staging period”.

Amendments to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020

- 5.—**(1) The Plant Health (Amendment etc.) (EU Exit) Regulations 2020(b) are amended as follows.
- (2) In regulation 52—
- (a) for paragraph (1) substitute—
 - “(1) This regulation applies to plants, plant products and other objects, other than qualifying Northern Ireland goods, which—

(a) S.I. 2018/289; relevant amending instruments are S.I. 2019/1257 and 1488, 2020/1482 and 2021/625.
 (b) S.I. 2020/1482, amended by S.I. 2021/429 and 1229.

- (a) originate in, or are dispatched from, an EU Member State, and are introduced into Great Britain during the transitional staging period; or
 - (b) originate in, or are dispatched from, Liechtenstein or Switzerland, and are introduced into Great Britain after 25th November 2021 and before the end of the transitional staging period.”;
- (b) after paragraph (3) insert—

“(4) In paragraph (1), “the transitional staging period” has the meaning given in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.”.

Amendment to the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020

6.—(1) The Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020(a) are amended as follows.

- (2) In regulation 3(1), for “31st December 2021” substitute “30th June 2022”.

Amendment to the Official Controls (Extension of Transitional Periods) Regulations 2021

7. For regulation 2 of the Official Controls (Extension of Transitional Periods) Regulations 2021(b) substitute—

“End of the transitional staging period

2. The appointed date for the purposes of sub-paragraph (b) of the definition of “the transitional staging period” in paragraph 2 of Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products is 30th June 2022.”.

Benyon of Englefield

Parliamentary Under Secretary of State,

At 12.18 p.m. on 15th December 2021

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, in regulation 7, the Official Controls (Extension of Transitional Periods) Regulations 2021 (S.I. 2021/809), in relation to England and Wales, to change the end date for “the transitional staging period” (defined in Annex 6 to Regulation (EU) 2017/625 (EUR 2017/625)) from 28th February 2022 (and 31st December 2021 in certain cases) to 30th June 2022.

Regulation 2 amends Regulation (EU) 2017/625, in relation to England and Wales, to exclude products within the scope of Article 7 (goods which form part of passengers’ luggage and which are intended for personal consumption or use) or Article 10 (small consignments of products sent to natural persons which are not intended to be placed on the market) of Commission Delegated Regulation (EU) 2019/2122 from requirements for imports of products of animal origin and certain plants, plant products and other objects to be subject to prior notification during the

(a) S.I. 2020/1666; relevant amending instruments are S.I. 2021/366 and 972.

(b) S.I. 2021/809; relevant amending instruments are S.I. 2021/1096 and S.S.I. 2021/297.

transitional staging period. Goods which are produced in Northern Ireland or the Republic of Ireland and imported from the Republic of Ireland are also excluded. This also introduces prior notification requirements for types of animal by-product not already made subject to such an obligation, and the same exclusions are applied to these goods. A similar amendment is made in regulation 3 to corresponding provisions in the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197) (“TARP Regulations”) in relation to products of animal origin and other types of animal by-products.

Regulation 3 amends the TARP Regulations to enable enforcement powers to remain available during the extended transitional staging period where they are exercised other than at border control posts in respect of animals and animal products in England.

Regulation 4 amends the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289) to align the timing of the imposition of certain fees in England with the extended transitional staging period.

Regulation 5 amends the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482) to update transitional provisions for certain plants, plant products and other objects with the extended transitional staging period.

Regulation 6 amends the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (S.I. 2020/1666) to extend the temporary suspension of the requirement for meat preparations to be deep frozen where they are imported into England from EEA member States, the Faroe Islands, Greenland or Switzerland, bringing it into line with the extended transitional staging period.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

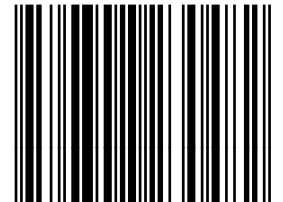
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