

# STATES OF JERSEY



Jersey

## **DRAFT EU LEGISLATION (OFFICIAL CONTROLS AND AGRICULTURAL PRODUCTS) (JERSEY) REGULATIONS 201-**

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**Lodged au Greffe on 6th December 2019  
by the Minister for the Environment**

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**STATES GREFFE**



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## REPORT

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These Regulations would give the Minister for the Environment a temporary power to make Orders to implement Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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.

The power would also cover implementing other EU provisions in the fields of “veterinary legislation, animal health legislation, plant health legislation, marketing of seeds and seedlings, food legislation, feeding stuffs legislation, quality and marketing standards”, as set out in Regulation (EEC) No 706/73 as amended by Council Regulation (EEC) No 1174/86. Those 2 Regulations specified the arrangements for trade in agricultural products (and products processed from them) that were made under Protocol 3 to the UK’s accession treaty.

The power supplements the similar powers already given to the Minister in the [Animal Health \(Jersey\) Law 2016](#), the [Animal Welfare \(Jersey\) Law 2004](#), the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#), the [EU Legislation \(Wild Aquatic Animals – Food and Feed\) \(Jersey\) Regulations 2019](#) and the [EU Legislation \(Monitoring of Residues in Animals\) \(Jersey\) Regulations 2019](#). As in the case of those other powers, this power is equivalent to the power of the Assembly to make provision by Regulations under the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#). That includes power to amend other enactments (including Laws), power to deal with deficiencies arising from withdrawal of the UK from the EU, and power to prevent or remedy breaches of international obligations following that withdrawal. The Minister cannot exercise the power any later than the end of 2020.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.



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## EXPLANATORY NOTE

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These Regulations, if passed, would give the Minister for the Environment a temporary power to make Orders to implement Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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.

The power would also cover implementing other EU provisions in the fields of “veterinary legislation, animal health legislation, plant health legislation, marketing of seeds and seedlings, food legislation, feedingstuffs legislation, quality and marketing standards”, as set out in Regulation (EEC) No 706/73 as amended by Council Regulation (EEC) No 1174/86. Those 2 Regulations specified the arrangements for trade in agricultural products (and products processed from them) that were made under Protocol 3 to the UK’s accession treaty.

The power supplements the similar powers already given to the Minister in the Animal Health (Jersey) Law 2016, the Animal Welfare (Jersey) Law 2004, the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016, the EU Legislation (Wild Aquatic Animals – Food and Feed) (Jersey) Regulations 2019 and the EU Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 2019. As in the case of those other powers, this power is equivalent to the power of the Assembly to make provision by Regulations under the European Union Legislation (Implementation) (Jersey) Law 2014. That means it includes powers (only for the purposes set out above) to amend other enactments (including Laws), to deal with deficiencies arising from the withdrawal of the UK from the EU, and to prevent or remedy breaches of international obligations following that withdrawal. The Minister cannot exercise the power any later than the end of 2020.

The Regulations would come into force on the day after they are passed by the Assembly.





Jersey

# **DRAFT EU LEGISLATION (OFFICIAL CONTROLS AND AGRICULTURAL PRODUCTS) (JERSEY) REGULATIONS 201-**

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Jersey

## **DRAFT EU LEGISLATION (OFFICIAL CONTROLS AND AGRICULTURAL PRODUCTS) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Articles 2, 5A and 5B of the European Union Legislation (Implementation) (Jersey) Law 2014<sup>1</sup> –

### **1 Orders to implement EU official controls and agriculture provisions**

- (1) The Minister for the Environment may, by Order, make any provision, whether by amendment or otherwise, that –
  - (a) may be made, in relation to an EU provision described in paragraph (3), by Regulations under Article 2, 5A or 5B of the European Union Legislation (Implementation) (Jersey) Law 2014<sup>2</sup>; and
  - (b) is not a provision that may be made under an enactment listed in paragraph (4).
- (2) No Order may be made under paragraph (1) after 2020.
- (3) The EU provisions are –
  - (a) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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 (OJ L 95, 7.4.2017, p. 1); and
  - (b) any other EU provision in a field listed in Article 3 of Regulation (EEC) No 706/73 of the Council of 12 March 1973 (OJ L 68, 15.3.1973, p. 1) concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products, as substituted by Article 1 of Council Regulation (EEC) No 1174/86 of 21 April 1986 (OJ L 107, 24.4.1986, p. 1).
- (4) The enactments are –
  - (a) Article 31A of the Animal Health (Jersey) Law 2016<sup>3</sup>;
  - (b) Article 39A of the Animal Welfare (Jersey) Law 2004<sup>4</sup>;

- (c) Regulation 39A of the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016<sup>5</sup>;
- (d) Regulation 6 of the EU Legislation (Wild Aquatic Animals – Food and Feed) (Jersey) Regulations 2019<sup>6</sup>; and
- (e) Regulation 9 of the EU Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 2019<sup>7</sup>.

## **2 Citation and commencement**

These Regulations may be cited as the EU Legislation (Official Controls and Agricultural Products) (Jersey) Regulations 201- and come into force on the day after they are made.

## ENDNOTES

### Table of Endnote References

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<i>1</i>	<i>chapter 17.245</i>
<i>2</i>	<i>chapter 17.245</i>
<i>3</i>	<i>chapter 02.020</i>
<i>4</i>	<i>chapter 02.050</i>
<i>5</i>	<i>chapter 17.245.61</i>
<i>6</i>	<i>R&amp;O.89/2019</i>
<i>7</i>	<i>R&amp;O.104/2019</i>