Statutory Instrument 2003 No. 1957

The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) (Amendment) Regulations 2003

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STATUTORY INSTRUMENTS

2003 No. 1957

FOOD, ENGLAND

The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) (Amendment) Regulations 2003

Made	*29th July 2003*
Laid before Parliament	*30th July 2003*

Coming into force *31st July 2003*

The Secretary of State, being a Minister designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section, makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) (Amendment) Regulations 2003 and shall come into force on 31st July 2003.

Amendment of the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002

2. - (1) The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002[3] are amended in accordance with paragraphs (2) and (3).

(2) The definition of "the Commission Decision" in paragraph (1) of regulation 2 (interpretation) is replaced by the following definition -

> " "the Commission Decision" means Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey[4] as amended by Commission Decision 2002/233/EC[5], Commission Decision 2002/679/EC[6] and Commission Decision 2003/552/EC[7];".

(3) The following paragraph is substituted for paragraph (4) of regulation 4 (enforcement) -

> " (4) The requirements are those specified in -
>
> (a) Article 1.4 of the Commission Decision (which is concerned with documentary checks relating to consignments of controlled Turkish products);
>
> (b) Article 1.5 and 1.6 of that Decision (which provisions are concerned with the sampling and analysis of such consignments), other than the requirement under Article 1.5 to supply the commission with specified information; and
>
> (c) Article 1.7 of that Decision (which is concerned with the case where consignments are split).".

Signed by authority of the Secretary of State for Health

Warner
Parliamentary Under Secretary of State, Department of Health

29th July 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002 (S.I. 2002/2351) (*regulation 2*).

S.I. 2002/2351 implements Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey (OJ No. L34, 5.2.2002, p. 26) as amended by Commission Decision 2002/233/EC (OJ No. L78, 21.3.2002, p. 14) and Commission Decision 2002/679/EC (OJ No. L229, 27.8.2002, p. 37).

The effect of the amendment made by these Regulations is that S.I. 2002/2351 now implements Commission Decision 2002/80/EC as now also amended by Commission Decision 2003/552/EC (OJ No. L187, 26.7.2003, p.47). The categories of products which are subject to the special import conditions referred to above are specified in Article 1(1) of Commission Decision 2002/80/EC as amended by Commission Decision 2002/679/EC and Commission Decision 2003/552/EC.

The principal changes effected by these Regulations are that -

(a) the definition of "the Commission Decision" in regulation 2(1) of S.I. 2002/2351 is updated to reflect the amendment made to it by Commission Decision 2003/552/EC;

(b) there is a consequential amendment to the definition of "Turkish Products" in regulation 2(1) of S.I. 2002/2351; and

(c) the previous requirement that consignments of controlled Turkish products be subjected to random sampling and analysis to ensure compliance with Commission Decision 2002/80, as amended, is modified by providing that -

(i) sampling and analysis in relation to aflatoxin B1 and total aflatoxin shall be undertaken in respect of consignments of dried figs, hazelnuts and pistachios and certain products derived thereof,

(ii) the period of detention for the purpose of random sampling and analysis must not exceed 15 working days, and

(iii) each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

No regulatory impact assessment has been prepared in relation to these Regulations.

Notes:

[1] S.I. 1972/1811.back

[2] 1972 c. 68.back

[3] S.I. 2002/2351.back

[4] OJ No. L34, 5.2.2002, p.26.back

[5] OJ No. L78, 31.3.2002, p.14.back

[6] OJ No. L229, 27.8.2002, p.37.back

[7] OJ No. L187, 26.7.2003, p.47.back

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