

2010 No. 1902

AGRICULTURE

The Organic Products (Amendment) Regulations 2010

Made - - - - 22nd July 2010

Laid before Parliament 27th July 2010

Coming into force - - 1st October 2010

The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Union, and makes these Regulations in exercise of the powers in that section.

Citation and commencement

1. These Regulations may be cited as the Organic Products (Amendment) Regulations 2010; they come into force on 1st October 2010.

Amendments

2. The Organic Products Regulations 2009^(c) are amended as follows—

- (a) in regulation 7(1) (control on movement), after “place of import” insert “or from any other place from which release for free circulation in the Community is being sought”;
- (b) in regulation 8(4) (consent to movement), for “the place of import” substitute “the place where the prohibition on movement under that regulation last applied”;
- (c) in regulation 10(1) (fees for registering information in the database), for “£150” substitute “£182”;
- (d) in regulation 18(1) (offences), for “Schedule 2” substitute “The Schedule”;
- (e) in regulation 20(1) (offence due to fault of another person), for “regulation 19” substitute “regulation 18”;
- (f) in regulation 21(1) (defence of due diligence), for “regulation 19” substitute “regulation 18”;
- (g) for regulation 22(2) (enforcement), substitute—

“(2) In relation to products imported from third countries, where there is a port health authority for the place of import or other place from which release for free circulation in the

(a) S.I. 1972/1811.

(b) 1972 c. 68. The power of the Secretary of State, as a designated Minister, to make regulations which extend to Scotland, Wales and Northern Ireland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (c. 46); article 4(4) of the European Communities (Designation) (No. 3) Order 2005 (S.I. 2005/2766) (functions of the National Assembly of Wales having now been transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32)), and article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812) respectively.

(c) S.I. 2009/842.

Community is being sought, these Regulations and the specified Community provisions are enforced by that authority instead of by the local authority.”

- (h) in regulation 24(1) (powers following entry), for “regulation 24” substitute “regulation 23”.

22nd July 2010

Jim Paice
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Organic Products Regulations 2009 (S.I. 2009/842) (“the 2009 Regulations”). They extend to the United Kingdom.

Regulation 2 amends regulations 7, 8 and 22 of the 2009 Regulations, to take account of the fact that controls for the purposes of the EU organics legislation may be made at a place other than where a consignment first enters EU territory. The relevant EU legislation is Council Regulation (EC) No 834/2007 (OJ No L 189, 20.7.2007, p. 1), and Commission Regulation (EC) No 1235/2008 (OJ L 334, 12.12.2008, p. 25).

Regulation 2 also raises the fee currently provided for in regulation 10 of the 2009 Regulations from £150 to £182, and corrects minor drafting errors.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, Organic Team, 9 Millbank c/o Nobel House, Horseferry Road, London SW1P 3JR.

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