

STATES OF JERSEY



Jersey

DRAFT EU LEGISLATION (OFFICIAL CONTROLS) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 20th October 2020
by the Minister for the Environment**

STATES GREFFE

REPORT

Background

As part of Jersey's preparations ahead of the end of the Transition Period, officers have prepared what is deemed as necessary legislation for consideration by the Assembly.

Detail

This legislation is aimed to protect Jersey's position at the end of the Transition Period. The draft Regulations, if adopted, would implement [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 (the "EU Official Controls Regulation").

In total there are 28 Regulations which include, but are not limited to –

- provisions about the application of the EU Official Controls Regulation, which will continue to apply after the end of the implementation period following the United Kingdom's exit from the European Union;
- designating the Minister for the Environment (the "Minister") as the competent authority for the areas governed by the EU Official Controls Regulation;
- allowing the Minister to designate officers ("designated officers") to exercise functions under these Regulations or the EU Official Controls Regulation;
- a requirement for the Minister to ensure that all arrangements are in place to ensure confidentiality and the maintenance of proper records;
- allowing the Minister to prescribe, by Order, fees payable for any authorisation, certificate, permit or registration, or any inspection or other service or control provided under the Official Controls Regulation or these Regulations;
- makes it an offence to contravene a provision of the EU Official Controls Regulation.

Financial and manpower implications

There are no new financial or manpower implications arising from this decision.

EXPLANATORY NOTE

These Regulations, if passed, would implement 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 (the “EU Official Controls Regulation”).

Regulation 1 contains definitions of expressions used in these Regulations.

Regulation 2 contains provisions about the application of the EU Official Controls Regulation, which will continue to apply after the end of the implementation period following the United Kingdom’s exit from the European Union. This provision also ensures that any reference to a member State in the EU Official Controls Regulation is read as a including reference to the British Islands.

Regulation 3 designates the Minister for the Environment (“the Minister”) as the competent authority for the areas governed by the EU Official Controls Regulation.

Regulation 4 allows the Minister to designate officers (“designated officers”) to exercise functions under these Regulations or the EU Official Controls Regulation. The States Veterinary Officer, veterinary inspectors, plant health inspectors and environmental health officers are automatically designated by paragraph (3).

Regulation 5 requires that the Minister ensures that arrangements are in place to ensure confidentiality and the maintenance of proper records.

Regulation 6 allows the Minister to make available policies and guidance in relation to the exercising of functions under these Regulations or the EU Official Controls Regulation.

Regulation 7 requires that the Minister arranges for an audit of his or her functions as the competent authority and makes provisions for that audit.

Regulation 8 limits the civil liability of any person or body to whom the Regulations apply when discharging functions under the Regulations, unless there is bad faith. However, it does not prevent an award of damages under the Human Rights (Jersey) Law 2000.

Regulation 9 provides for powers of entry for any designated officer to ensure compliance with the EU Official Controls Regulation or these Regulations and contains provisions relating to those power. This does not apply to premises that are used wholly or mainly as a private dwelling unless 24 hours’ notice has been provided.

Regulation 10 allows the Bailiff to permit, by warrant, a designated officer to enter premises for a purpose under Regulation 9 where entry has been, or is likely to be, refused (and notice has been given of an intention to apply for a warrant); asking for admission would defeat the object of entry; or entry is needed urgently or the premises are unoccupied. Such a warrant is valid for a month.

Regulation 11 makes provision for a designated officer to issue a notice to a person. The notice may require that information is provided. It may also provide information about any action that is to be taken either by the officer or the person for the purposes of preventing animal diseases or other risks or hazards to animal or plant health, animal welfare or the environment, or in relation to non-compliance with the EU Official Controls Regulation.

The Minister may also by notice designate demarcated areas in relation to the presence of animal disease or other risks or hazards to human, animal or plant health, animal

welfare or the environment and include prohibitions and restrictions in relation to such an area.

Regulation 12 allows a designated officer to enter premises to ensure compliance with a notice or to remedy non-compliance with a notice. This does not apply to premises that are used wholly or mainly as a private dwelling unless 24 hours' notice has been provided.

Regulation 13 includes further provisions relating to what may be included in notices, for example, what may be required of the person to whom the notice has been given and what is to be done with items to which the notice applies. It also allows a designated officer to amend or withdraw the notice by a further notice.

Regulation 14 makes provision for the service of notices, including service on unincorporated associations.

Regulations 15 and 16 contain provisions relating to the disclosure of information.

Regulation 15 relates to information held by customs officers, which may be disclosed to the Minister to allow for the Minister to carry out any function under these Regulations or the EU Official Controls Regulation.

Regulation 16 allows the Minister to disclose information that he or she has obtained in executing functions under these Regulations or the EU Official Controls Regulation where this allows him or her to carry out those functions. In particular, information may be disclosed to competent authorities in member States or the British Islands.

Regulations 17 to 22 and Schedule 1 contain provisions relating to offences.

Regulation 17 makes it an offence to contravene a provision of the EU Official Controls Regulation specified in Part 1 of Schedule 1 to these Regulations or in the EU instruments listed in Part 2 of Schedule 1. A person who commits the offence is liable to an unlimited fine.

Regulation 18 makes it an offence to contravene without reasonable excuse any provision or condition of a notice served on a person under these Regulations, any authorisation granted under these Regulations or a direction given under these Regulations. A person who commits the offence is liable to an unlimited fine.

Regulation 19 provides that it is an offence knowingly or recklessly to provide a false statement or representation, or a document or information which is false, or to intentionally fail to disclose material information. A person who commits the offence is liable to imprisonment for up to 2 years, an unlimited fine or both.

Regulation 20 provides that it is an offence intentionally to obstruct a designated officer, to fail (without reasonable excuse) to give assistance or information which a designated officer may reasonably require, or to fail to produce a document when required to do so by the Minister or a designated officer. A person who commits the offence is liable to imprisonment for up to 2 years, an unlimited fine or both.

Regulation 21 makes it an offence to disclose, without lawful authority or reasonable excuse, any information received from a customs officer under Regulation 15 if that information relates to a person whose identity is disclosed or can be deduced, the disclosure is not for a purpose specified in Regulation 15 and the customs officer has not given his or her prior consent to the disclosure. A person who commits the offence is liable to imprisonment for up to 2 years, an unlimited fine or both.

Regulation 22 makes provision in relation to offences committed by bodies corporate and by other bodies.

Regulation 23 provides that methods and techniques for official controls must be in accordance with Article 14 of the EU Official Controls Regulation and allows an operator the right to seek a second opinion, at the operator's own expense.

Regulation 24 makes provision for a right of appeal to the Royal court against refusals, modifications, suspensions, revocations and cancellations of any authorisation, registration or permit under these Regulations or the EU Official Controls Regulation or any requirement or decision of the Minister or a designated officer under these Regulations. It also allows the Minister to prescribe by Order other acts under the EU Official Controls Regulation or these Regulations which may be appealed. The appeal must be brought within 21 days after the person has been served with a written copy of the decision, requirement or act that is being appealed, or within such further time as the Royal Court may allow.

Regulation 25 allows the Minister to prescribe, by Order, fees payable for any authorisation, certificate, permit or registration, or any inspection or other service or control provided under the Official Controls Regulation or these Regulations. Fees relating to matters provided for under the EU Official Controls Regulation must be calculated, set, charged and collected in accordance with the EU Official Controls Regulation.

Regulation 26 makes transitional provision in for any existing licences, consents, certificates or other authorisations, or notices served, in relation to any area governed by the EU Official Controls Regulation.

Regulation 27 and Schedule 2 contain consequential amendments to other legislation.

Regulation 28 gives the name by which these Regulations may be known and provides that they come into force 7 days after they are made.



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Made *[date to be inserted]*

Coming into force *[date to be inserted]*

THE STATES make these Regulations under Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014¹ –

PART 1

GENERAL

1 Interpretation

- (1) In these Regulations –
- “customs officer” means the Agent of the Impôts or any other officer of the Impôts;
 - “designated officer” means a person designated by the Minister under Regulation 4(1) or a person listed in Regulation 4(3);
 - “Minister” means the Minister for the Environment;
 - “Official Controls Regulation” means 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 (OJ L 95, 7.4.2017, p. 1);
- the Plant Health Regulations.
- (2) Unless the context otherwise requires –
- (a) a reference to a member State is to be construed as including the United Kingdom, Jersey, Guernsey and the Isle of Man;
 - (b) terms used in these Regulations and in the Official Controls Regulation have the same meaning as in that Regulation;
 - (c) a reference in these Regulations to the Official Controls Regulation is to be construed as a reference to that Regulation as amended, substituted, extended or applied from time to time by any other EU provision, or as it otherwise has effect in the EU from time to time by virtue of any judgment of the European Court; and

- (d) a reference in these Regulations to the Official Controls Regulation is to be construed as including any implementing act or delegated act (within the meaning given in Articles 290 and 291 of the Treaty on the Functioning of the European Union) adopted by the Commission under or in relation to the Official Controls Regulation or for which the legal basis otherwise is or includes the Official Controls Regulation.

2 Application of the Official Controls Regulation

- (1) The Official Controls Regulation has effect in Jersey.
- (2) The Official Controls Regulation has effect as if any reference to a member State includes a reference to the United Kingdom, Jersey, Guernsey and the Isle of Man.

3 Designation of competent authority

The Minister is designated as the competent authority in respect of the areas governed by rules listed in Article 1(2)(a) to (j) of the Official Controls Regulation.

4 Appointment of designated officers

- (1) The Minister may, in respect of the designation under Article 4 of the Official Controls Regulation, appoint in writing persons as officers authorised to exercise functions under these Regulations or the Official Controls Regulation.
- (2) Upon request, a designated officer must produce evidence of appointment under this Regulation when exercising functions under these Regulations or the Official Controls Regulation.
- (3) In addition to persons designated under paragraph (1), the following are designated officers for the purposes of these Regulations –
 - (a) the States Veterinary Officer appointed under the Animal Health (Jersey) Law 2016² and any inspector appointed under Article 6 of that Law;
 - (b) any plant health inspector authorised under the Plant Health (Jersey) Law 2003³;
 - (c) any health inspector authorised under the Loi (1934) sur la Santé Publique⁴.

PART 2

FUNCTIONS OF COMPETENT AUTHORITY AND DESIGNATED OFFICERS

5 Confidentiality and records

- (1) The Minister must ensure that arrangements are in place –

- (a) to maintain appropriate confidentiality in relation to the official controls and other official activities undertaken; and
 - (b) to enable the reporting of actual, potential or suspected non-compliance with the Official Controls Regulation.
- (2) The Minister may –
- (a) keep and maintain such –
 - (i) registers and records,
 - (ii) lists of designated, recognised, authorised or approved bodies, councils, agencies, laboratories or like establishments (however described), or sites, facilities and stations (however described), and
 - (iii) lists or records of officers or other individuals appointed or permitted to perform official controls and other official activities on his or her behalf (including authorisations to issue official certificates or official attestations);
 - (b) grant, issue, amend, suspend, withdraw and revoke such authorisations, consents, licences, certificates, attestations, approvals or like permissions;
 - (c) publicise such information (including on the internet); and
 - (d) take such other action,
- as he or she considers to be necessary or expedient to enable the Minister to discharge his or her functions under the Official Controls Regulation and these Regulations.

6 Policies and guidance

The Minister may make available to the public, in a manner and form the Minister considers appropriate, any policies and guidance the Minister intends to take into account in exercising functions under the Official Controls Regulation and these Regulations.

7 Audits

- (1) The Minister must make arrangements from time to time for an audit of his or her functions as the competent authority.
- (2) The Minister may, in writing, appoint an auditor and, during the term of the appointment and the conduct of the audit, the auditor is a competent authority under the Official Controls Regulation for the purposes of performing functions under these Regulations.
- (3) Upon request, an auditor must produce evidence of appointment under this Regulation when exercising functions under these Regulations.
- (4) The Minister must provide such assistance to the auditor as is reasonably required in order for the auditor to carry out the audit effectively.
- (5) The auditor must produce an audit report in such form as he or she considers to be appropriate and send a copy of the report to the Minister.
- (6) In this Regulation –

“audit” means an audit of a competent authority carried out for the purposes of Article 6 of the Official Controls Regulation;

“auditor” means a person conducting an audit appointed under Regulation 7.

8 Limitation of civil liability

- (1) A person or body to whom this Regulation applies is not liable in damages for anything done or omitted in the execution or purported execution of any function under these Regulations unless it is shown that the act or omission was in bad faith.
- (2) This Regulation applies to the Minister, a designated officer or any other person authorised to carry out a function under the Official Controls Regulation or these Regulations.
- (3) Paragraph (1) does not apply so as to prevent an award of damages in respect of the act on the ground that it was unlawful as a result of Article 7(1) of the Human Rights (Jersey) Law 2000⁵.

PART 3

GENERAL POWERS OF DESIGNATED OFFICERS

9 Powers of entry

- (1) A designated officer may enter any premises at a reasonable time for any of the following purposes –
 - (a) performing official controls to verify that –
 - (i) an operator is complying with the Official Control Regulation,
 - (ii) a person is complying with these Regulations, or
 - (iii) any animals, goods or other objects which are subject to rules and requirements under the Official Control Regulation comply with those rules or requirements;
 - (b) carrying out other official activities which are to be performed by the Minister under the Official Control Regulation;
 - (c) enforcing the Official Control Regulation or these Regulations;
 - (d) verifying information supplied by a person in connection with the conduct of official controls or other official activities.
- (2) Before entering any premises for the purposes specified in paragraph (1), a designated officer must, if requested to do so, produce a document showing that he or she is a designated officer and any warrant issued under Regulation 10.
- (3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours’ notice has been given to the occupier.

- (4) A designated officer who enters premises for a purpose specified in paragraph (1) or under a warrant issued by the Bailiff may –
 - (a) examine, photograph or mark any part of the premises, any object on the premises or anything that is attached to or otherwise forms part of the premises;
 - (b) take samples of or from –
 - (i) any animal, good or other object,
 - (ii) any container, package or object which has been or may have been in contact with an animal, good or other object, or
 - (iii) any substance or material;
 - (c) open any container or package or require the owner, occupier or other person in charge of any container or package to open the container or package; or
 - (d) inspect or make copies of any documents or records (in whatever form they may be held) relating to the animal, good or other object.
- (5) A designated officer may destroy or otherwise dispose of any sample taken under this Regulation when the sample is no longer required.
- (6) A designated officer may –
 - (a) be accompanied by –
 - (i) a representative of the European Commission or an authorised officer of any competent authority designated in Union territory for the purpose of the Official Controls Regulation, or
 - (ii) such other persons as the designated officer considers necessary; and
 - (b) bring onto the premises such equipment and vehicles as the designated officer considers necessary.
- (7) A designated officer who is accompanied by a person mentioned in paragraph (6)(a) may –
 - (a) show the person any documents or records which are inspected or copied by the inspector under paragraph (4)(d); and
 - (b) make copies, or require copies to be made, of those documents or records for that person.
- (8) A person accompanying a designated officer under paragraph (6)(a) may –
 - (a) bring onto the premises any equipment or vehicles that the person considers necessary; and
 - (b) perform any function under these Regulations or the Official Controls Regulations on the premises in a manner directed by a designated officer.

10 Right of entry conferred by a warrant issued by the Bailiff

- (1) The Bailiff may, by warrant, permit a designated officer to enter premises for a purpose mentioned in Regulation 9(1), if necessary by reasonable force, if the Bailiff, on sworn information in writing, is satisfied that –
 - (a) there are reasonable grounds to enter those premises; and

- (b) any of the conditions in paragraph (2) are met.
- (2) The conditions are that –
 - (a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier;
 - (b) asking for admission to the premises, or giving notice of the intention to apply for a warrant, would defeat the object of the entry;
 - (c) entry is required urgently; or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A designated officer who enters any unoccupied premises under a warrant under this Regulation must leave them as effectively secured against unauthorised entry as they were before entry.

11 Notices

- (1) A designated officer may by notice in writing require an appropriate person to provide, within the time specified in the notice, any information which the person may possess in relation to the premises specified in the notice as to –
 - (a) the animals, goods or other objects stored at any time on those premises;
 - (b) any animal disease or any other risk or hazard to animal or plant health, animal welfare or the environment; or
 - (c) any persons who have had, or are likely to have had, any animal, good or other object in their possession or under their charge.
- (2) A designated officer may by notice in writing to an appropriate person –
 - (a) inform the person of such action that is being or is going to be taken by the designated officer; or
 - (b) require an appropriate person to take such action, within the time specified in the notice,

as the designated officer considers to be necessary for the purposes of preventing the establishment or spread of, or for the purposes of eradicating, any actual or suspected animal disease or any other risk or hazard to animal or plant health, animal welfare or the environment.
- (3) In cases of actual or suspected non-compliance with obligations arising under the Official Controls Regulation, including non-compliance in a member State, the United Kingdom, Guernsey or the Isle of Man, a designated officer may by notice in writing to an appropriate person –
 - (a) informing the person what action is being or is going to be taken by the designated officer, including any of the measures in Articles 137 and 138 of the Official Controls Regulation; or
 - (b) require an appropriate person to take such action as the designated officer considers to be necessary within the time specified in the notice including any of the measures in Articles 66 and 67 of the Official Controls Regulation.
- (4) The time within which the information is required to be given or action is required to be taken must be reasonable.

- (5) The notice may require that an appropriate person produces for examination by a designated officer any authorisation, official statement, certificate, record, invoice or other document relating to an animal, good or other object specified in the notice.
- (6) In this Regulation, “appropriate person” means –
 - (a) in relation to any premises to be specified in a notice under paragraph (1), a person who is the owner, occupier or other person in charge of the premises;
 - (b) a person who has, has had, or is reasonably suspected by the designated officer to have or have had, possession or charge of an animal, good or other object; or
 - (c) a person who, as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of an animal, good or object.
- (7) The Minister may by notice –
 - (a) demarcate an area in relation to the presence of an animal disease or any other risk or hazard to animal or plant health, animal welfare or the environment; and
 - (b) specify the prohibitions or restrictions which are to apply in the demarcated area for that purpose.
- (8) A notice under paragraph (7) must –
 - (a) describe the extent of the demarcated area;
 - (b) specify the date on which any such prohibitions or restrictions are to commence; and
 - (c) be published in a manner appropriate to bring it to the attention of the public.

12 Failure to comply with a notice

- (1) If a person fails to comply with a notice within the time specified in the notice served on that person under these Regulations, a designated officer may enter any premises specified in the notice at all reasonable times to take or cause to be taken any steps that the designated officer considers necessary to ensure compliance with the notice or to remedy the consequences of the person’s failure to carry them out.
- (2) The reasonable costs of taking such steps are recoverable by the Minister as a debt from the person on whom the notice was served.
- (3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours’ notice has been given to the occupier.
- (4) Paragraph (1) does not affect any right of entry conferred by a warrant issued by the Bailiff.

13 Miscellaneous provisions as to notices

- (1) This Regulation applies to any notice given by a designated officer under these Regulations.
- (2) The notice may –

- (a) specify one or more requirements or alternative requirements;
 - (b) specify the manner in which and the period in which any requirement specified in the notice must be carried out or otherwise fulfilled; and
 - (c) require the owner, occupier or other person in charge of the premises to which the notice relates to –
 - (i) notify the Minister of any change in occupation of the premises, the date of the change and the name of the new occupier, and
 - (ii) inform the new occupier of the premises of the content of the notice.
- (3) Any destruction, disposal, re-export or treatment of an animal, good or other object, or substance or material, which is required to be carried out under the notice must be carried out, or arranged to be carried out, to the satisfaction of the designated officer by the person on whom the notice has been served.
- (4) A designated officer may amend or withdraw the notice by a further notice.
- (5) The notice may define by reference to a map or plan or otherwise the extent of any premises referred to in the notice.

14 Service of notices

- (1) A notice given by a designated officer under these Regulations is validly served on a person by –
- (a) delivering it to the person personally;
 - (b) leaving it at the person’s proper address; or
 - (c) sending it to the person’s proper address.
- (2) If the name or address of any occupier of premises on whom a notice is to be served or given cannot, after reasonable enquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.
- (3) If the notice is urgent it may be served in the manner provided for under paragraph (2) and a copy subsequently served in the manner provided for under paragraph (1) if this is possible after reasonable enquiry.
- (4) For the purposes of this Regulation and Article 7 of the Interpretation (Jersey) Law 1954⁶, “proper address” means –
- (a) in the case of a body corporate or limited liability partnership or partnership, the registered or principal office in Jersey of the body or partnership;
 - (b) in the case of any other partnership or a partner or person having control or management of the partnership business –
 - (i) the principal office in Jersey of the partnership, or
 - (ii) the email address of the partner or person having control or management;
 - (c) in any other case, a person’s last known address, which includes an email address.

15 Disclosure of information held by customs officers

- (1) A customs officer may disclose any information in his or her possession to the Minister for the purposes of enabling or assisting the Minister to carry out any function conferred on the Minister under the Official Controls Regulation and these Regulations.
- (2) Nothing in paragraph (1) affects any other power or requirement to disclose information.

16 Disclosure of information to other competent authorities

- (1) For the purposes of enabling the Minister to carry out functions as competent authority under the Official Controls Regulation, the Minister may disclose information that the Minister has received in the performance of the Minister's functions to a competent authority in the British Islands or a member State.
- (2) Nothing in paragraph (1) affects any other power or requirement of the Minister to disclose information under European Union legislation or an enactment.

PART 4

OFFENCES

17 Offences: general

- (1) A person commits an offence, and is liable to a fine if the person contravenes –
 - (a) a provision of the Official Controls Regulation specified in Part 1 of Schedule 1; or
 - (b) a provision in the EU instruments specified in Part 2 of Schedule 1.
- (2) However, paragraph (1) does not apply to anything done under, or in accordance with, a notice, authorisation, consent, licence, certificate, attestation, approval or other permission, given by the Minister or a designated officer under the Official Control Regulations or these Regulations or to a contravention by the Minister.

18 Failure to comply with requirements of notices etc.

A person commits an offence, and is liable to a fine if the person, without reasonable excuse, contravenes –

- (a) a provision or condition of a notice served on the person under these Regulations;
- (b) a provision or condition of an authorisation or permit granted to the person under these Regulations or the Official Control Regulations; or
- (c) a provision or condition of a direction given under these Regulations or the Official Control Regulations.

19 Provision of false or misleading information

A person commits an offence, and is liable to imprisonment for a term 2 years and to a fine, if, for the purposes of obtaining an authorisation, licence or other consent under these Regulations or the Official Controls Regulations or procuring the issue of an official certificate by a designated officer, the person –

- (a) knowingly or recklessly makes a statement or representation which is false in a material particular;
- (b) knowingly or recklessly furnishes a document or information which is false in a material particular; or
- (c) intentionally fails to disclose any material information.

20 Obstruction

A person commits an offence, and is liable to imprisonment for a term 2 years and to a fine, if the person –

- (a) intentionally obstructs a designated officer acting in the implementation of the Official Controls Regulation; or
- (b) without reasonable excuse, fails to give to a designated officer any assistance or information which the designated officer may reasonably require when acting in the implementation of the Official Controls Regulation.

21 Offence relating to the disclosure of information held by customs officers

A person commits an offence, and is liable to imprisonment for a term 2 years and to a fine, if the person, without lawful authority or reasonable excuse, discloses any information received from a customs officer under Regulation 15 and –

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than specified in Regulation 15; and
- (c) the customs officer has not given his or her prior consent to the disclosure.

22 Offences by bodies corporate and others

(1) In this Regulation –

“relevant offence” means an offence under these Regulations that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;

“relevant person” means –

- (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
- (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –

- (i) a general partner, or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
 - (i) a director, manager, secretary or other similar officer of the body corporate, and
 - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member's functions of management; and
 - (d) a person purporting to act in any capacity described in subparagraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
 - (3) Paragraph (4) applies if a relevant offence –
 - (a) is an offence that may be committed by neglect; and
 - (b) is proved to be attributable to any neglect on the part of a relevant person.
 - (4) The relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

PART 5

MISCELLANEOUS

23 Methods and techniques for official controls

- (1) The methods and techniques for official controls must be in accordance with Article 14 of the Official Controls Regulation.
- (2) An operator whose animals, goods or other objects are subject to sampling, analysis, testing or diagnosis has the right to a second expert opinion at the operator's own expense in accordance with Article 35 of the Official Controls Regulation.

24 Appeals

- (1) There is a right of appeal to the Royal Court against –
 - (a) a refusal, modification, suspension, revocation or cancellation of any authorisation, registration or permit under these Regulations or the Official Controls Regulation or the imposition of a condition under any such authorisation, registration or permit;
 - (b) any requirement imposed by or other decision of the Minister or a designated officer under these Regulations; or

- (c) any other act under the Official Controls Regulation or these Regulations prescribed by the Minister by Order for the purposes of this Regulation.
- (2) An appeal must be brought within 21 days after the appellant is served with a written copy of the decision, requirement, or other act, against which the appeal is brought, or within any further time that the Royal Court may allow.
- (3) Unless the Royal Court so orders, the lodging of an appeal does not operate to stay the effect of a decision, requirement or other act pending the determination of the appeal.
- (4) On hearing the appeal, the Royal Court may –
 - (a) confirm, reverse or vary the decision, requirement, or other act, against which the appeal is brought; and
 - (b) make any order as to the costs of the appeal as it thinks fit.

25 Fees

- (1) The Minister may by Order prescribe fees payable for any authorisation, certificate, permit or registration, or any inspection or other service or control provided under the Official Controls Regulation or these Regulations.
- (2) Without limiting paragraph (1), the Order may –
 - (a) include fees in respect of anything done by a designated officer or another person, whether or not it is done at the request of the person required to pay the fee; and
 - (b) make provision for the recovery of such fees or the refusal of any service if a fee prescribed for the service is not paid.
- (3) Fees prescribed under paragraph (1) in relation to official controls performed under the Official Controls Regulation must be calculated, set, charged and collected in accordance with Chapter VI of the Official Controls Regulation.

26 Transitional provisions

- (1) Any licence, consent, certificate or other authorisation –
 - (a) issued or granted in relation to any of the areas governed by rules listed in Article 1(2) of the Official Controls Regulation; and
 - (b) which has effect immediately before the commencement date and would otherwise lapse but for this paragraph,
remains in force until it expires or is superseded by another licence, consent certificate or other authorisation issued or granted by the Minister under the Official Controls Regulation, these Regulations or related legislation.
- (2) Any notice served in relation to any of the areas governed by rules in Article 1(2) of the Official Controls Regulation, which has effect immediately before the commencement date –
 - (a) remains in force and continues to have effect as if it were served, as the case may be, under the Official Controls Regulation, these

Regulations or related legislation for an equivalent purpose on the date on which it was previously served; and

- (b) is to be read with such modifications as are necessary for it to do so.
- (3) Any application made, certificate issued or other thing done in relation to the issuing of a certificate concerning any of the areas governed by rules in Article 1(2) of the Official Controls Regulation before the commencement date has effect as if done, as the case may be, under the Official Controls Regulation, these Regulations or related legislation.
- (4) Subject to paragraph (5), a person who is an operator as at the commencement date, and is required to be registered but is not registered, is treated as registered provided that an application is made to the Minister for registration in accordance with, as the case may be, the Official Controls Regulation, these Regulations or related legislation within 6 months starting from the commencement date.
- (5) If the application to register as required by paragraph (4) is refused by the Minister, an operator ceases to be treated as if it were registered from the later of –
 - (a) the expiry of the period for appealing against the refusal to register; or
 - (b) where an appeal is duly instituted against the refusal to register, the date the appeal is finally determined or withdrawn,and an appeal is finally determined or withdrawn for the purposes of this paragraph when the appeal and any further appeal is finally determined.
- (6) In this Regulation –
 - “commencement date” means the date of the commencement of these Regulations;
 - “related legislation” means –
 - (a) any EU instrument amended or repealed by the Official Controls Regulation;
 - (b) any EU instrument made under the EU instruments provided for in sub-paragraph (a);
 - (c) any enactment implementing the EU instruments provided for in sub-paragraph (a) or (b);
 - (d) the EU Plant Health Regulation;
 - (e) the Plant Health Regulations.

27 Consequential amendments

Schedule 2 makes consequential amendments.

28 Citation and commencement

These Regulations may be cited as the EU Legislation (Official Controls) (Jersey) Regulations 202- and come into force 7 days after they are made.

SCHEDULE 1

(Regulation 17)

OFFENCES**PART 1****THE OFFICIAL CONTROLS REGULATIONS**

Provision of the Official Controls Regulation	Summary of subject matter and additional information
Article 47(5)	Requires the operator responsible for a relevant consignment entering the Union to ensure that it is presented for official controls at the border control post of first arrival into the Union. Article 47(5) is to be read with such derogations, exceptions or exemptions (however described) as may be provided for in delegated or implementing acts under the Official Controls Regulation.
Article 50(1)	Requires the operator of a relevant consignment to which Article 47(1) applies to present the original official certificates or documents which are required to accompany the consignment to the competent authorities of the border control post.
Article 50(3)	Prohibits the operator of a relevant consignment from splitting the consignment until official controls have been performed and the Common Health Entry Document referred to in Article 56 of the Official Controls Regulation “CHED” has been finalised.
Article 56(1)	Requires the operator of a relevant consignment to complete the relevant part of the CHED.
Article 56(4)	Requires the operator of a relevant consignment to give prior notification to the competent authorities of the border control post of arrival of the consignment prior to the physical arrival of the consignment in the Union. Article 56(4) is to be read with Article 1(1) of Commission Implementing Regulation

Provision of the Official Controls Regulation	Summary of subject matter and additional information
	(EU) 2019/1013 of 16 April 2019 on the prior notification of consignments of certain categories of animals and goods entering the Union) (OJ L 165, 21.6.2019, p. 8).

PART 2
OTHER EU INSTRUMENTS

Provision of EU instrument	Summary of subject matter and additional information
Commission Delegated Regulation (EU) 2019/1602 of 23 April 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination (OJ L 250, 30.9.2019, p.6)	
Article 4(a)	Requires the operator responsible for a consignment to ensure that a CHED accompanies the consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation.
Article 5(1)(b)	Requires the operator responsible for a consignment that is to be split at a border control post to request the consignment is split and submit a CHED for each part of the split consignment
Article 5(1)(d)	Requires the operator responsible for a consignment that has been split at a border control post to ensure that a CHED accompanies the relevant part of the split consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation
Article 5(2)(a)	Requires the operator responsible for a split consignment in respect of which the competent authority has requested the operator to take action in respect of part of the consignment, to submit a CHED for each part of the split consignment.
Article 5(2)(c)	Requires the operator responsible for a split consignment in respect of which the

Provision of EU instrument	Summary of subject matter and additional information
	competent authority has requested the operator to take action in respect of part of the consignment, to ensure that a CHED accompanies each part of the split consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation.
Article 6(a)	Requires the operator responsible for a consignment that has been split after leaving a border control post to ensure that a copy of the CHED accompanies each part of the split consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation

SCHEDULE 2

(Regulation 27)

CONSEQUENTIAL AMENDMENTS**1 Article 1 (interpretation) of the Animal Health (Jersey) Law 2016 amended**

In Article 1 of the Animal Health (Jersey) Law 2016⁷ for the definition “product of animal origin” there is substituted –

“ “product of animal origin” has the same meaning as in 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);”.

2 Animal Health (Foot and Mouth Disease) (Jersey) Order 2017 amended

In paragraph 7 of Schedule 6 (measures applicable in respect of protection zones and surveillance zones) to the Animal Health (Foot and Mouth Disease) (Jersey) Order 2017⁸ –

- (a) in sub-paragraph (3) after “EU legislation” there is inserted “or instructions of the States Veterinary Officer”;
- (b) in sub-paragraph (4) for the definition “health marked” there is substituted –

“ “health marked” means bearing the health mark applied after the official controls referred to in points (a) and (c) of Article 18(2) of 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) have been performed and which attests that the meat is fit for human consumption;”.

3 Animal Health (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2017 amended

In the Animal Health (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2017⁹ –

- (a) in Article 1(interpretation) –
 - (i) the definition “Council Directive 97/78/EC” is deleted,
 - (ii) after the definition “member state” there is inserted –

“ “Official Controls Regulation” means 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).”;

(b) In the Schedule for row 19 of the table there is substituted –

“19.	All products of animal origin as defined in Article 3 of the Official Controls Regulation.	All countries excluding member states, the British Islands, Liechtenstein, Switzerland, Norway, Andorra, San Marino, and, in respect of personal consignments of fishery products only, the Faroe Islands and Iceland.	The prohibition does not apply to the extent that such products are not subject to controls by virtue of – (a) Article 48 of the Official Controls Regulation; and (b) Commission Delegated Regulation (EU) 2019/2122 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 321, 12.12.19, p. 45)”.
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4 Article 38 (importation of semen for artificial insemination) of the Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008 amended

In Article 38 of the Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008¹⁰ –

- (a) the introductory text of the Article is renumbered as paragraph (1);
- (b) in the renumbered paragraph (1)(ba) for “24 hours in advance” there is substituted “one working day before the expected arrival of the consignment”;
- (c) after the renumbered paragraph (1) there is inserted –
 - “(2) In this Article “working day” means any day, other than –
 - (a) a Saturday or Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day that is a public holiday under the Public Holidays and Bank Holidays (Jersey) Act 2010¹¹.”.

5 Community Provisions (Bovine Embryos) (Jersey) Regulations 2010 amended

In the Community Provisions (Bovine Embryos) (Jersey) Regulations 2010¹² –

- (a) in Regulations 1 (interpretation) –

- (i) for the definition “border inspection post” there is substituted –

“ “border control post” means a control post designated for the performance of the official controls provided for in Article 47(1) of the Official Controls Regulation or approved by the competent authority of any of the jurisdictions in the British Islands to receive imports from third countries;”;

- (ii) after the definition “Minister” there is inserted –

“ “Official Controls Regulation” means 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);”;

- (b) in Regulation 16(2) (checks required for importation of embryos from a third country) –

- (i) in sub-paragraphs (a) and (b) for “border inspection post” there is substituted “border control post”,

- (ii) in sub-paragraph (b) for “Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p.9), as amended from time to time,” there is substituted “Official Controls Regulation”.

6 Article 14 (importation of bees) of the Amendment of Diseases of Animals (Bees) (Jersey) Order 2013 amended

In Article 14 of the Diseases of Animals (Bees) (Jersey) Order 2013¹³ –

- (a) for paragraph (3) there is substituted –

“(3) A consignment imported from a Member State must satisfy the requirements of 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), as amended from time to time.”;

- (b) in paragraph (6) for “24 hours in advance” there is substituted “one working day before the expected arrival of the consignment”;

- (c) after paragraph (6) there is inserted –

“(7) In this Article “working day” means any day, other than –

- (a) a Saturday or Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day that is a public holiday under the Public Holidays and Bank Holidays (Jersey) Act 2010¹⁴.”.

7 EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016 amended

In the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016¹⁵ –

- (a) in Regulation 1(1A) (interpretation) –
 - (i) sub-paragraphs (d) and (e) are deleted,
 - (ii) after sub-paragraph (j) there is inserted –
 - “(k) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15th 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) (“the Official Controls Regulation”);
 - (l) Commission Delegated Regulation (EU) 2019/624 of 8 February 2019 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 131, 17/5/2019, p 1);
 - (m) Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls (OJ L 131, 17.5.2019, p. 51);
 - (n) Commission Implementing Regulation (EU) 2019/628 of 8 April 2019 concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates (OJ L 131, 17.5.2019, p. 101);
 - (o) to the extent that the instrument applies in relation to aquatic animal health, any other Decision or Regulation –
 - (i) that is an implementing or delegated act 625 (within the meaning given in Articles 290 and 291 of the Treaty on the Functioning of the European Union), in relation to the Official Controls Regulation,
 - (ii) or for which the legal basis otherwise is or includes the Official Controls Regulation.”;
- (b) in Regulation 17 (transporting imported animals directly to quarantine) –
 - (i) in paragraph (1)(b) for “border inspection post” there is substituted “border control post”,
 - (ii) for paragraph (2)(a) there is substituted –
 - “(a) “border control post” means a control post designated for the performance of the official controls provided for in

Article 47(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 (OJ L 95, 7.4.2017, p. 1) or approved by the competent authority of any of the jurisdictions in the British Islands to receive imports from third countries;”;

- (c) in Regulation 38(3) (power to prescribe fees) for “Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1)” there is substituted “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)”.

8 EU Legislation (Milk and Dairies) (Jersey) Order 2017¹⁶ amended

In the Schedule to the EU Legislation (Milk and Dairies) (Jersey) Order 2017¹⁶, for paragraph 4 there is substituted –

“4 Regulation (EU) 2017/625

In 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) –

Articles 9(1), 15(1) and (2), 17(a) and (b), and 18.”.

9 Regulation 1 of the EU Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 2019¹⁷ amended

In Regulation 1(1) of the EU Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 2019¹⁷ –

- (a) in the definition “Monitoring Directive” for “and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC” there is substituted “, to the extent that its effect is preserved by Article 150 of the Official Controls Regulation”;
- (b) after the definition “Monitoring Directive” there is inserted –
- “ “Official Controls Regulation” means 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 any Implementing Regulation or Delegated Regulation made under that Regulation, to the extent that those Regulations relate to unwanted residues;”;

- (c) in the definition “relevant EU residues provision”, for “the Substances Directive and” there is substituted “the Substances Directive, the Official Controls Regulation and”.

10 EU Legislation (Veterinary Checks – Imports from Third Countries) (Jersey) Regulations 2016 amended

In the EU Legislation (Veterinary Checks – Imports from Third Countries) (Jersey) Regulations 2016¹⁸ –

- (a) in Regulation 1(1)(interpretation) –
- (i) for the definition “border inspection post” there is substituted –
- “ “border control post” means a control post designated for the performance of the official controls provided for in Article 47(1) of the Official Controls Regulation or approved by the competent authority of any of the jurisdictions in the British Islands to receive imports from third countries;”,
- (ii) after the inserted definition “border control post” there is inserted –
- “ “CHED” means the Common Health Entry Document referred to in Article 56 of the Official Controls Regulation;”,
- (iii) for the definition “Community area” there is substituted –
- “ “Community area” means the British Islands and the territories referred to in Annex I to the Official Controls Regulation;”,
- (iv) in the definition of “Directive” after “(91/496/EEC, OJ L 268, 24.9.1991, p. 56)” there is inserted “as it applies under Article 149 of the Official Controls Regulation”,
- (v) after the definition “inspector” there is inserted –
- “ “Official Controls Regulation” means 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);”,
- (b) in Regulation 1(4) for “Directive, have the same meaning as in the Directive” there is substituted “Official Controls Regulation, have the same meaning as in that Regulation”;
- (c) in Regulation 3(a) (regulation of imports from third countries) –
- (i) for “Article 4 or 8 of the Directive” there is substituted “Article 49(1) of the Official Controls Regulation”,
- (ii) for “border inspection post” there is substituted “border control post”;
- (d) in Regulation 3(b) for “Directive” there is substituted “Official Controls Regulation”;
- (e) in Regulations 3(d) for “Directive” there is substituted “Official Controls Regulation or equivalent documentation prescribed or specified by any law of the United Kingdom”;

- (f) for Regulation 4 (notice before arrival) there is substituted –

“4 Notice before arrival

- (1) An importer or consignee of animals must notify the Minister, in writing, at least one working day before the expected arrival of the consignment, of the nature of the consignment, its anticipated date of arrival in Jersey and the place of destination.
- (2) The Minister may reduce the period of time for the notification in paragraph (1) to at least 4 hours before the expected time of arrival if the importer or consignee provides evidence that it is not reasonably practicable to provide notification one working day in advance.
- (3) In this Regulation “working day” means any day, other than –
- (a) a Saturday or Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day that is a public holiday under the Public Holidays and Bank Holidays (Jersey) Act 2010¹⁹.”;
- (g) in Regulation 5(2) (application to animals subject to harmonized health rules) for “border inspection post” there is substituted “border control post”;
- (h) in Regulation 6(quarantine) –
- (i) in paragraphs (2) and (3) for “border inspection post” there is substituted “border control post”,
 - (ii) in paragraph (2) for “Directive” there is substituted “Official Controls Regulation”;
- (i) in Regulation 8(7) (post-import controls) for “common veterinary entry document” there is substituted “CHED”;
- (j) in Regulation 11(1) (outbreaks of disease in third country) for “Article 18 of the Directive” there is substituted “Article 67 of the Official Controls Regulation”;
- (k) in Regulation 15(1) (exercise of powers of entry) for “Directive, in particular, Articles 18 and 19” there is substituted “Official Controls Regulation”;
- (l) in the Schedule for paragraph 1(e) there is substituted –
- “(e) appropriate equipment to allow for the exchange of information required by Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (OJ L 261, 14.10.2019, p. 37);”.

11 EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016 amended

In the EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016²⁰ –

- (a) in Regulation 1(1) (interpretation) –
 - (i) the definition “Directive” is deleted,
 - (ii) after the definition “Minister” there is inserted –

“ “Official Controls Regulation” means 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);”;
- (b) in Regulation 1(2) for “Directive, have the same meaning as in the Directive” there is substituted “Official Controls Regulation, have the same meaning as in that Regulation”;
- (c) in Regulation 10 (requirements for import - procedures on arrival) –
 - (i) in paragraph (1) for “24 hours in advance” there is substituted “one working day before the expected arrival of the consignment”,
 - (ii) in paragraph (3)(a) for “Article 3 of the Directive” there is substituted “Articles 15 and 56 of the Official Controls Regulation”,
 - (iii) in paragraph (5)(a) for “does not comply with Article 3(1) of the Directive” there is substituted “has not been subject to official controls in accordance with Article 47(1) of the Official Controls Regulation”,
 - (iv) in paragraph (7) for “, in accordance with Article 3 of the Directive, by the original health certificate of accompanying document to its delivery to the consignee named in the certificate or document” there is substituted “by the documents required under Articles 15 and 56 of the Official Controls Regulation”,
 - (v) in paragraph (8) for “Article 3(1) of the Directive” there is substituted “Article 47(1) of the Official Controls Regulation”,
 - (vi) in paragraph (9) for “any identification mark, certificate or document required by Article 3(1)(c) or (d) of the Directive is present” there is substituted “it has been subject to official controls in accordance with Article 47(1) of the Official Controls Regulation”,
 - (vii) after paragraph (10) there is inserted –

“(11) In this Regulation “working day” means any day, other than –

 - (a) a Saturday or Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day that is a public holiday under the Public Holidays and Bank Holidays (Jersey) Act 2010²¹.”;
- (d) In Article 13(3) (official veterinarian’s powers in respect of illegal consignment) for “do not comply with the provisions of Article 3 of the Directive” there is substituted “have not been subject to official

controls in accordance with Article 47 of the Official Controls Regulation”;

- (e) In Article 15(1) (outbreaks of disease in the Community) for “Article 10 of the Directive” there is substituted “Article 54 of the Official Controls Regulation”;
- (f) In Article 21(1) (exercise of powers of entry) for “the Directive, in particular, Article 9 or 10” there is substituted “the Official Controls Regulation”;
- (g) In Article 25(1), (3) and (5) (fees for certificates, approvals and inspections) after “the Directive” there is inserted “or the Official Controls Regulation”.

12 Regulation 2 (effect of EU food and feed provisions in relation to wild aquatic animals) of the EU Legislation (Wild Aquatic Animals – Food and Feed) (Jersey) Regulations 2019 amended

For Regulation 2(3)(d) and (e) of the EU Legislation (Wild Aquatic Animals – Food and Feed) (Jersey) Regulations 2019²² there is substituted –

- “(d) 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 (“the Official Controls Regulation”);
- (e) any other Decision or Regulation –
 - (i) that is an implementing or delegated act 625 (within the meaning given in Articles 290 and 291 of the Treaty on the Functioning of the European Union), in relation to the Official Controls Regulation,
 - (ii) or for which the legal basis otherwise is or includes the Official Controls Regulation.”.

13 Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991 amended

In the Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991²³ –

- (a) for Article 1 (interpretation) there is substituted –

“1 Interpretation

- (1) In this Order “Regulation 396/2005” means Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p.1).
- (2) Terms used in this Order and defined in Regulation 396/2005 have the same meaning as in that Regulation and reference to that Regulation is to be construed as a reference to that Regulation as

amended, substituted, extended or applied from time to time by any other EU provision, or as it otherwise has effect in the EU from time.”;

- (b) for Article 2 (maximum residue levels) there is substituted –

“2 Maximum residue levels

A person must not place on the market as food, or feed to animals, any product that does not comply with Article 18(1) of Regulation 396/2005.”.

- (c) in Article 4 (sampling) –
- (i) for “residue” there is substituted “pesticide residue”,
 - (ii) for “Parts 5 and 6 of the Guide to Codex Recommendations Concerning Pesticide Residues” there is substituted “Article 27 of Regulation 396/2005”;
- (d) Schedules 1, 2 and 3 are deleted.

ENDNOTES

Table of Endnote References

1	<i>chapter 17.245</i>
2	<i>chapter 02.020</i>
3	<i>chapter 01.885</i>
4	<i>chapter 20.875</i>
5	<i>chapter 15.350</i>
6	<i>chapter 15.360</i>
7	<i>chapter 02.020</i>
8	<i>chapter 02.020.35</i>
9	<i>chapter 02.020.41</i>
10	<i>chapter 01.480.10</i>
11	<i>chapter 15.560.20</i>
12	<i>chapter 17.245.86</i>
13	<i>chapter 02.400.16</i>
14	<i>chapter 15.560.20</i>
15	<i>chapter 17.245.61</i>
16	<i>chapter 17.245.88</i>
17	<i>R&O.104/2019</i>
18	<i>chapter 17.245.92</i>
19	<i>chapter 15.560.20</i>
20	<i>chapter 17.245.93</i>
21	<i>chapter 15.560.20</i>
22	<i>R&O.89/2019</i>
23	<i>chapter 01.880.60</i>