

STATES OF JERSEY



Jersey

DRAFT EU LEGISLATION (AQUATIC ANIMAL HEALTH) (AMENDMENT) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 29th August 2019
by the Minister for the Environment**

STATES GREFFE

REPORT

The Draft EU Legislation (Aquatic Animal Health) (Amendment) (Jersey) Regulations 201- (the “draft Regulations”), if adopted, will amend the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#) (the “2016 Regulations”). The draft Regulations add 9 EU Regulations, which all relate to food or feed (the “EU food provisions”), to the list of EU Decisions and Regulations that are defined in the 2016 Regulations as “relevant EU instruments”. The EU food provisions are, however, added only to the extent that they relate to an aquaculture animal. The main result of the amendments is that the EU food provisions have effect in Jersey in relation to aquaculture animals under Regulation 2 of the 2016 Regulations. Until the repeal of the [European Union \(Jersey\) Law 1973](#) (the “1973 Law”) is brought into force, the EU food provisions will have that effect under the 2016 Regulations to any extent that the 1973 Law does not already give them effect. After the repeal of the 1973 Law, the EU food provisions will continue to have effect under the 2016 Regulations.

The other effects of the draft Regulations are as follows. The Minister for the Environment is the competent authority, under Regulation 2 of the 2016 Regulations, in relation to the EU food provisions as they apply to aquaculture animals. That Minister can revoke an authorization under Regulation 9 of the 2016 Regulations for failure to comply with the EU food provisions in relation to aquaculture animals. The enforcement powers and offences under Regulations 31 to 35 of the 2016 Regulations apply to the EU food provisions in relation to aquaculture animals, as does the power in Regulation 38 of the 2016 Regulations to prescribe fees.

The Regulations would come into force 14 days after adoption by the States.

Financial and manpower implications

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

EXPLANATORY NOTE

The Draft EU Legislation (Aquatic Animal Health) (Amendment) (Jersey) Regulations 201- if passed will amend the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016 (the “2016 Regulations”).

This draft adds 9 EU Regulations, which all relate to food or feed (the “EU food provisions”), to the list of EU Decisions and Regulations that are defined in the 2016 Regulations as “relevant EU instruments”. But the EU food provisions are added only to the extent that they relate to an aquaculture animal.

The main result of the amendments is that the EU food provisions have effect in Jersey in relation to aquaculture animals under Regulation 2 of the 2016 Regulations. Until the repeal of the European Union (Jersey) Law 1973 is brought into force, the EU food provisions will have that effect under the 2016 Regulations to any extent that that Law does not already give them effect. After the repeal of that Law the EU food provisions will continue to have effect under the 2016 Regulations.

The other results of the amendments are as follows. The Minister for the Environment is the competent authority, under Regulation 2 of the 2016 Regulations, in relation to the EU food provisions as they apply to aquaculture animals. That Minister can revoke an authorization under Regulation 9 of the 2016 Regulations for failure to comply with the EU food provisions in relation to aquaculture animals. The enforcement powers and offences under Regulations 31 to 35 of the 2016 Regulations apply to the EU food provisions in relation to aquaculture animals, as does the power in Regulation 38 of the 2016 Regulations to prescribe fees.

The Regulations would come into force 14 days after they are passed.



Jersey

DRAFT EU LEGISLATION (AQUATIC ANIMAL HEALTH) (AMENDMENT) (JERSEY) REGULATIONS 201-

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 –

1 Amendment of EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016

(1) In Regulation 1(1) of the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016², for sub-paragraph (e) of the definition “relevant EU instrument” there is substituted –

“(e) an EU instrument listed in paragraph (1A), to the extent that that EU instrument relates to an aquaculture animal.”.

(2) In Regulation 1 of those Regulations, after paragraph (1), there is inserted –

“(1A) The EU instruments referred to in sub-paragraph (e) of the definition “relevant EU instrument” in paragraph (1) are –

- (a) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1);
- (b) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1);
- (c) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55);
- (d) Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific

- rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206);
- (e) 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);
 - (f) Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene (OJ L 35, 8.2.2005, p. 1);
 - (g) Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L 338, 22.12.2005, p. 1);
 - (h) Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products and for the organisation of official controls (OJ L 338, 22.12.2005, p. 27);
 - (i) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5);
 - (j) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).
- (1B) The Minister may by Order amend paragraph (1A) to remove an EU instrument or to substitute or add an EU instrument that relates to food standards.”.

2 Citation and commencement

These Regulations may be cited as the EU Legislation (Aquatic Animal Health) (Amendment) (Jersey) Regulations 201- and come into force 14 days after they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 17.245</i>
<i>2</i>	<i>chapter 17.245.61</i>