



OFFICIAL FEED AND FOOD CONTROLS REGULATIONS 2019

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Statutory Document No. 2019/0370

*European Communities (Isle of Man) Act 1973*

OFFICIAL FEED AND FOOD CONTROLS REGULATIONS 2019¹

Laid before Tynwald: 8 October 2019
Coming into Operation: in accordance with regulation 2

The Council of Ministers makes the following Regulations under section 2B and 2C of the European Communities (Isle of Man) Act 1973.

Editorial Note: This instrument, made under the European Communities (Isle of Man) Act 1973, is continued by virtue of section 6 of the European Union and Trade Act 2019.

PART 1 – INTRODUCTORY

1 Title

These Regulations are the Official Feed and Food Controls Regulations 2019.

2 Commencement

These Regulations come into operation on the day after they are made¹.

3 Interpretation

(1) In these Regulations, —

“**the Act**” means the Food Act 1996;

“**authorised officer**” means any person (whether or not an officer of the Department) who is authorised by the Department in writing, either generally or specially, to act in matters arising under these Regulations, Regulation 2017/625 or the Import Provisions;²

“**Decision 2007/275**”, “**Directive 2004/41**”, “**Regulation 999/2001**”,
“**Regulation 178/2002**”, “**Regulation 852/2004**”, “**Regulation 853/2004**”,

¹ Section 2B(9) of the European Communities (Isle of Man) Act 1973 specifies that regulations shall be laid before Tynwald and if Tynwald at the sitting before which such instrument is so laid or at the next following sitting resolves that the instrument shall be annulled, the regulations shall thereupon cease to have effect.

“Regulation 1688/2005”, “Regulation 2073/2005”,
 “Regulation 2074/2005”, “Regulation 2017/185”, “Regulation 2017/625”,
 “Regulation 2018/329”, “Regulation 2018/631”, “Regulation 2019/66”,
 “Regulation 2019/478”, “Regulation 2019/624”, “Regulation 2019/625”,
 “Regulation 2019/626”, “Regulation 2019/627”, “Regulation 2019/628”,
 “Regulation 2019/1012”, “Regulation 2019/1013”,
 “Regulation 2019/1014”, “Regulation 2019/1081”,
 “Regulation 2019/1602”, “Regulation 2019/1666”
 “Regulation 2019/1715”, “Regulation 2019/1793” and
 “Regulation 2019/1873” [Revoked]³

“**the Import Provisions**” means Part 3 of these Regulations, Title 2 Chapter 5 of Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to product as defined in regulation 10;⁴

“**premises**” includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“**primary production**” has the meaning it bears in Regulation 852/2004;

“**the Regulation 2017/625 package**” means Regulation 2017/625 and the EU Regulations listed below the heading “The Regulation 2017/625 package” in Schedule 1;⁵

“**relevant feed law**” means, —

- (a) the Animal Feed (Hygiene, Sampling etc. and Enforcement) Order 2019²;
- (b) the Animal Feed (Composition, Marketing and Use) Order 2019³; and
- (c) the Animal Feed (Basic Safety Standards) Order 2019⁴;

“**relevant food law**” means —

- (a) food law in so far as it applies in relation to food;
- (b) food law in so far as it applies in relation to materials and articles in contact with food; and
- (c) food law in so far as it involves the regulation of primary production and those associated operations listed in point 1 of Part AI of Annex I to Regulation 852/2004 under the Food Hygiene Regulations 2007⁵;

“**specified import provision**” means any provision of Regulation 669/2009 that is specified in Schedule 2; and

“**third country**” means any country or state other than —

² [TBC]

³ [TBC]

⁴ [TBC]

⁵ SD No.594/07.

- (a) the Isle of Man;
 - (b) the United Kingdom; or
 - (c) a member State.⁶
- (1A) Any reference in these Regulations to Decisions, Directives or Regulations referred to in Schedule 1 have the meanings respectively given to them in that Schedule.⁷
- (2) Subject to paragraph (3), any expression other than one defined in paragraph (1) or regulation 12 that is used both in these Regulations and in the Act has the meaning it bears in the Act.
- (3) Unless the contrary intention appears, any expression used both in these Regulations and in Regulation 178/2002, Regulation 2017/625 or any of the EU Regulations in the Regulation 2017/625 package has the meaning it bears in Regulation 178/2002, Regulation 2017/625 or any of the EU Regulations in the Regulation 2017/625 package as the case may be.⁸
- (4) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as amended from time to time.

PART 2 – GENERAL PROVISIONS

4 Competent authority

- (1) The Department is the competent authority for the purposes of Regulation 2017/625, in so far as it relates to —
- (a) feed;
 - (b) animal health and welfare rules; and
 - (c) any function in respect of which the Department is not already designated as the competent authority under the Food Hygiene Regulations 2007;⁹
- (2) [Revoked]¹⁰

5 Enforcement responsibility

- (1) It is the responsibility of the Department to execute and enforce —
- (a) these Regulations;
 - (b) Regulation 2017/625 in so far as it is the competent authority under regulation 75(1); and¹¹
 - (c) the Import Provisions in so far as they relate to relevant feed and food law.
- (2) Nothing in these regulations restricts any power of the Department to take any action permitted under the Food Hygiene Regulations 2007.

6 Exchange of information

- (1) The Department may provide information received by it in the execution and enforcement of these Regulations, relevant feed law or relevant food law to other competent authorities for the purposes of –
 - (a) assisting those competent authorities to fulfil obligations placed upon them by Regulation 2017/0625; or¹²
 - (b) facilitating the execution and enforcement of relevant feed law or relevant food law.¹³
- (2) Paragraph (1) is without prejudice to any other power of the Department to disclose information by or under any other legislation.

7 Service of documents

- (1) Any document which is required or authorised to be served on a person under these Regulations may be served on the person concerned, –
 - (a) by delivering it to that person;
 - (b) in the case of a person that is a body corporate other than a limited liability partnership, by delivering it to their secretary at their registered or principal office, or by sending it in a prepaid letter addressed to the secretary at that office;
 - (c) in the case of a person that is a limited liability partnership, by delivering it to a designated member of the partnership at that designated member's registered or principal office or by sending it in a prepaid letter addressed to a designated member of the partnership at that office;
 - (d) in the case of a person that is a partnership other than a limited liability partnership, by delivering it to the partnership's principal place of business; or
 - (e) in the case of any other person, by leaving it or sending it in a prepaid letter addressed to that person at their usual or last known residence.
- (2) Where a document is to be served on the occupier of any premises under these Regulations and it is not reasonably practicable to ascertain the name and address of the person on whom it should be served, or the premises are unoccupied, the document may be served by addressing it to the person concerned in the capacity of "occupier" of the premises (naming them), and –
 - (a) by delivering it to some other person at the premises; and
 - (b) if there is no other person at the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

8 Protection of officers acting in good faith

- (1) An officer of the Department (“O”) is not personally liable in respect of any act done by O
 - (a) in the execution or purported execution of, —
 - (i) these Regulations;
 - (ii) Regulation 2017/625; and¹⁴
 - (b) within the scope of O’s employment,
if O did that act in the honest belief that O’s duty under these Regulations or Regulation 2017/625 required or entitled O to do it.¹⁵
- (2) Nothing in paragraph (1) relieves the Department of any liability in respect of the acts of its officers.
- (3) Where an action has been brought against an officer of the Department (“O”) in respect of an act done by O —
 - (a) in the execution or purported execution of the these regulations; or
 - (b) in the execution or purported execution Regulation 2017/625; but¹⁶
 - (c) outside the scope of O’s employment,
the Department may indemnify O against the whole or a part of any damages which O has been ordered to pay or any costs which O may have incurred if it is satisfied that O honestly believed that the act complained of was within the scope of O’s employment.
- (4) A public analyst appointed by the Department is treated for the purposes of this regulation as being an officer of the Department, whether or not that appointment is a whole-time one.
- (5) In this article “the execution or purported execution of Regulation 2017/625” includes any act done for that purpose under the Food Hygiene Regulations 2007.¹⁷

9 External audits

- (1) The Department may appoint the UK Food Standards Agency or such other body as it deems appropriate to undertake an external audit pursuant to Article 4(6).
- (2) Where the Department arranges an external audit under paragraph (1), the appointed auditor may require, —
 - (a) the Department —
 - (i) to provide the auditor with any information which it has reasonable cause to believe that the Department is able to give; and

- (ii) to make available to the auditor for inspection any records which it has reasonable cause to believe are held by the Department or are otherwise within its control (and, if they are kept in computerised form, to make them available in a legible form); and
- (b) Customs and Excise —
 - (i) to provide the auditor with any information which it has reasonable cause to believe that Customs and Excise is able to give; and
 - (ii) to make available to the auditor for inspection any records which it has reasonable cause to believe are held by the Customs and Excise or are otherwise within its control (and, if they are kept in computerised form, to make them available in a legible form),
but only in so far as the requirement relates to the functions of Customs and Excise under regulation 12.
- (3) A requirement under paragraph (2) may be imposed on —
 - (a) the Department or any officer or employee of the Department; or
 - (b) Customs and Excise or any officer or employee of Customs and Excise.
- (4) The auditor may copy any records made available to it in pursuance of a requirement under paragraph (2).
- (5) The appointed auditor may authorise any individual (whether a member of its staff or otherwise) to exercise the powers specified in paragraph (8) for the purpose of carrying out an external audit.
- (6) No authorisation under this regulation may be issued except in pursuance of a decision taken by the appointed auditor itself or by a committee, sub-committee or member of the appointed auditor acting on behalf of the appointed auditor.
- (7) An authorisation under this regulation must be in writing and may be given subject to any limitations or conditions specified in the authorisation (including conditions relating to hygienic precautions to be taken while exercising powers in pursuance of the authorisation).
- (8) An authorised person may, —
 - (a) enter any premises mentioned in paragraph (9) at any reasonable hour in order to inspect the premises or anything which may be found on them;
 - (b) take samples of any articles or substances found on such premises;

- (c) inspect and copy any records found on such premises (and, if they are kept in computerised form, require them to be made available in a legible form);
 - (d) require any person present on such premises to provide him with such facilities, such records or information and such other assistance as he may reasonably request.
- (9) The premises which may be entered by an authorised person are, —
 - (a) any premises occupied by the Department;
 - (b) any laboratory or similar premises at which work related to the enforcement of any relevant legislation has been carried out for the Department; and
 - (c) any other premises (not being a private dwelling-house) which the authorised person has reasonable cause to believe are premises in respect of which the enforcement powers of the Department are (or have been) exercisable.
- (10) The power to enter premises conferred on an authorised person includes power to take with him any other person he may consider appropriate.
- (11) An authorised person must on request, —
 - (a) produce his authorisation before exercising any powers under paragraph (8); and
 - (b) provide a document identifying any sample taken, or documents copied, under those powers.
- (12) If a person who enters any premises by virtue of this regulation discloses to any person any information obtained on the premises with regard to any trade secret he is, unless the disclosure is made in the performance of his duty, guilty of an offence.
- (13) A person who, —
 - (a) intentionally obstructs a person exercising powers under paragraphs (8) (a), (b) or (c);
 - (b) fails without reasonable excuse to comply with any requirement imposed under paragraph (2) or (8)(d); or
 - (c) in purported compliance with such a requirement furnishes information which that person knows to be false or misleading in any material particular or recklessly furnishes information which is false or misleading in any material particular,is guilty of an offence.
- (14) In this regulation “authorised person” means a person authorised under this regulation.

PART 3 - OFFICIAL CONTROLS ON FEED AND FOOD OF NON-ANIMAL ORIGIN FROM THIRD COUNTRIES

10 Interpretation of this Part

(1) In this Part of these Regulations, —

“Customs and Excise” means the Customs and Excise Division of Treasury;

“feed” does not include additives of a type mentioned in Article 6(1)(e) of or paragraph 4(d) of Annex I to Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition¹ or any premixture consisting solely of a combination of such additives⁶;

“food analyst” and “food examiner” have the meanings assigned to them in the Food Act 1996;

“UK enforcement authority” means the body responsible for enforcing the legislation in force with respect to imported products in any part of the United Kingdom;

“product” means feed and food of non-animal origin whose import is regulated by Article 44 or Article 47(1)(d), (e) or (f) of Regulation 2017/625 and includes composite products and foodstuffs which are not listed in the GB list referred to in Decision 2007/275/EC;¹⁸

(2) In this Part of these Regulations any reference to Regulation 2017/625 includes the provisions of that regulation that relate to food and for which the Department is the designated competent authority under the Food Hygiene Regulations 2007.¹⁹

11 Application of various provisions of the Food Act 1996

(1) The following provisions of the Act apply for the purposes of the Import Provisions with the modification that any reference in those provisions to the Act or Part of it is to be construed as a reference to the Import Provisions, as applicable —

- (a) section 23 (procurement of samples);
- (b) section 24 (analysis etc of samples);
- (c) section 26 (powers of entry);
- (d) section 27 (obstruction of officers);
- (e) section 28 (time limit for prosecutions);
- (f) section 30 (offences by bodies corporate);
- (g) section 31 (offences due to fault of another person); and

⁶ OJ L 268, 18.10.2003, p. 29.

- (h) section 32 (defence of due diligence);
- (2) Section 34 (appeals to court of summary jurisdiction) apply to –
 - (i) any person who is aggrieved by a decision of the competent authority taken in respect of an establishment subject to approval under Article 4(2) of Regulation 853/2004 pursuant to, –
 - (A) Article 148(3) of Regulation 2017/625 (approval);²⁰
 - (B) Article 148(4) of Regulation 2017/625 (conditional approval and full approval); or²¹
 - (C) Article 138(2)(j) of Regulation 2017/625 (suspension or withdrawal of approval); and²²
 - (ii) any person who is aggrieved by a decision of an authorised officer of the Department to serve a notice under regulation 17; and
- (3) Section 35 (appeals to the High Court) apply to any person who is aggrieved by the dismissal of an appeal made by that person to a court of summary jurisdiction under the provisions applied by regulation 11(2).

12 Functions of Customs and Excise

Customs and Excise must carry out the functions given to customs authorities under Articles 46, 57, 75 and 76 of Regulation 2017/625 and Article 4 of Regulation 2019/1793, in each case in relation to feed and food.²³

13 Exchange of information in relation to the Import Provisions

- (1) Customs and Excise and the Department may exchange information for the purposes of the Import Provisions, and either may divulge information to UK enforcement authorities for the purposes of the Import Provisions or the provisions corresponding to the Import Provisions in the appropriate jurisdiction of the United Kingdom.
- (2) Paragraph (1) is without prejudice to any other power of Customs and Excise or the Department to disclose information.
- (3) No person, including a civil servant, may disclose any information received from Customs and Excise under paragraph (1) if –
 - (a) the information relates to a person whose identity –
 - (i) is specified in the disclosure; or
 - (ii) can be deduced from the disclosure; or
 - (b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and

- (c) Customs and Excise have not given their prior consent to the disclosure.

14 Prohibition on introduction of certain feed and food

The introduction into the Isle of Man of feed or food that is a product and that fails to comply with, —

- (a) food safety requirements; or
- (b) the requirements of Articles 3 to 6 of Regulation 852/2004,

is prohibited.

15 Checks on products

- (1) The person responsible for introducing any product into the Isle of Man must permit an authorised officer of the Department to carry out checks in relation to the product pursuant to Articles 34(5) and (6), 44(2) and 45(1), (2) and (4) and 49(1) of Regulation 2017/625.²⁴
- (2) When an authorised officer is carrying out checks in relation to a product pursuant to Articles 34(5) and (6), 44(2) and 45(1), (2) and (4) and 49(1) of Regulation 2017/625, the person introducing the product must provide the facilities and assistance which the authorised officer reasonably requires to carry them out.²⁵
- (3) When an authorised officer of the Department is carrying out an identity check or a physical check on a product in accordance with Articles 34(5) and (6), 44(2) and 45(1), (2) and (4) and 49(1) of Regulation 2017/625 that officer is entitled to require that the check takes place at a specified place.²⁶

16 Withdrawal and suspension of border control posts

- (1) Where the Department is satisfied that a border control post has ceased to comply with the requirements referred to in Article 64 of Regulation 2017/625 and Regulation 2019/1014, it may withdraw the designation of the border control post for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect.
- (2) Where the Department is satisfied that the conditions referred to in Article 63(1) of Regulation 2017/625 apply it may suspend the designation of the border control post for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect and if there is a serious risk to human or animal health the suspension is to take immediate effect.
- (3) Upon service of a notice under paragraph (2), the border control post will cease to be a designated border control post to the extent specified in that

notice until the suspension is removed by service by the Department on the operator of the border control post of a written notice to that effect.

- (4) Where the Department is satisfied that it is reasonable to withdraw or suspend the designation for reasons other than those referred to in paragraphs (1) and (2) it may do so for all or for certain categories of animals and goods for which the designation was made by service on the operator of the border control post of a written notice to that effect.²⁷

17 Notices in relation to imports of feed and food from third countries

- (1) If an authorised officer of the Department proposes to place a consignment of feed or food under official detention under Article 65, 66 or 67 of Regulation 2017/625 the officer must serve a notice to that effect on the operator responsible for it.
- (2) Before ordering the operator to take action in accordance with Article 66(3)(a), (b) or (c), the enforcement officer must hear that operator as provided in the fourth subparagraph of Article 66(3) of Regulation 2017/625 unless immediate action is necessary.
- (3) If an authorised officer of the Department proposes to take any of the measures referred to in Articles 66 and 67 of Regulation 2017/625 in respect of a consignment of feed or food the officer must serve a notice to that effect on the operator responsible for it.^{28 29}

18 [Revoked]³⁰

19 Offences not otherwise specified

- (1) Any person who —
 - (a) contravenes or fails to comply with any of the specified import provisions;
 - (b) contravenes or fails to comply with paragraph (3) of regulation 13;³¹
 - (ba) contravenes or fails to comply with the provisions of any regulations made under Article 53 of Regulation 178/2002;³²
 - (c) contravenes any of the prohibitions in regulation 14;
 - (d) to the extent that contravention or failure to comply with regulation 15 does not constitute an offence under the provisions applied by regulation 11(1)(d), contravenes or fails to comply with regulation 15; or
 - (e) fails to comply with a notice served upon him under the Import Provisions,is guilty of an offence.

- (2) Any person who imports into the Isle of Man or places on the market any sprouts or seeds intended for sprouting which do not comply with the certification requirements of Article 13 of Regulation 2019/625, in so far as it applies to sprouts and seeds intended for the production of sprouts, as read with Article 27 of Regulation 2019/628 is guilty of an offence.³³

20 Penalties

- (1) Subject to paragraph (2), a person guilty of an offence under these regulations or under the provisions of the Act applied by regulation 7 is liable, —
- (a) on summary conviction to a fine not exceeding level 5 on the standard scale; or
 - (b) on conviction on information to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (2) A person guilty of an offence under the provisions applied by regulation 11(1)(d) or under regulation 14(12) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

21 Saving for declarations

Notwithstanding the revocation of regulation 18, any declaration issued under regulation 18 that is in force immediately before that revocation comes into force, continues to have effect as if it was made under Article 53 of Regulation 178/2002.³⁴

MADE 24 SEPTEMBER 2019

SCHEDULE 1³⁵

[Regulation 3]

DEFINITIONS OF LEGISLATION³⁶

Table of definitions of legislation³⁷	
Decision 2007/275	Commission Decision of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC ⁷ .
Directive 2004/41	Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC ⁸ .
Regulation 999/2001	Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁹ .
Regulation 178/2002	Regulation (EC) No 178/2002 of the European Parliament and of the Council 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 ¹⁰ .
Regulation 852/2004	Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as read with Regulation 2073/2005 ¹¹ .
Regulation 853/2004	Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005, Regulation 1020/2008 and Regulation 1162/2009 ¹² .
Regulation 1688/2005	Commission Regulation (EC) No 1688/2005 of 14 October 2005 implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs ¹³ .
Regulation 2073/2005	Commission Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs ¹⁴ .

⁷ OJ L 116, 4.5.2007, p. 9.⁸ OJ L 157, 30.4.2004, p. 33.⁹ OJ L 147, 31.5.2001, p. 1.¹⁰ OJ L 31, 1.2.2002, p. 1.¹¹ OJ L 139, 30.4.2004, p. 1.¹² OJ L 139, 30.4.2004, p. 55.¹³ OJ L 271, 15.10.2005, p.17.¹⁴ OJ L 338, 22.12.2005, p. 1.

Regulation 2074/2005	Commission Regulation (EC) No 2074/2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ¹⁵ .
Regulation 2017/185	Commission Regulation (EU) 2017/185 of 2 February 2017 laying down transitional measures for the application of certain provisions of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council ¹⁶ .
Regulation 2017/625	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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC ¹⁷ .
The Regulation 2017/625 package	
Regulation 2019/478	Commission Delegated Regulation (EU) 2019/478 of 14 January 2019 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts ¹⁸ .
Regulation 2019/624	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 ¹⁹ .

¹⁵ OJ L 338, 22.12.2005, p. 27.

¹⁶ OJ L 029, 3.2.2017, p. 21.

¹⁷ OJ L 095, 7.4.2017, p. 1.

¹⁸ OJ L 082, 25.3.2019, p. 4.

¹⁹ OJ L 131, 17.5.2019, p. 1.

Regulation 2019/625	Commission Delegated Regulation (EU) 2019/625 of 4 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption ²⁰ .
Regulation 2019/626	Commission Implementing Regulation (EU) 2019/626 of 5 March 2019 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists ²¹ .
Regulation 2019/627	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 ²² .
Regulation 2019/628	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 ²³ .
Regulation 2019/1012	Commission Delegated Regulation (EU) 2019/1012 of 12 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts ²⁴ .
Regulation 2019/1013	Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union ²⁵ .
Regulation 2019/1014	Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points ²⁶ .
Regulation 2019/1081	Commission Delegated Regulation (EU) 2019/1081 of 8 March 2019 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts ²⁷ .

²⁰ OJ L 131, 17.5.2019, p. 18.

²¹ OJ L 131, 17.5.2019, p. 31.

²² OJ L 131, 17.5.2019, p. 51.

²³ OJ L 131, 17.5.2019, p. 101.

²⁴ OJ L 165, 21.6.2019, p. 4.

²⁵ OJ L 165, 21.6.2019, p. 8.

²⁶ OJ L 165, 21.6.2019, p. 10.

²⁷ OJ L 171, 26.6.2019, p. 1.

Regulation 2019/1602	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 ²⁸ .
Regulation 2019/1666	Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union ²⁹ .
Regulation 2019/1715	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 ³⁰ .
Regulation 2019/1793	Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 ³¹ .
Regulation 2019/1873	Commission Implementing Regulation (EU) 2019/1873 of 7 November 2019 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products ³² .
Regulation 2019/2007	Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC ³³ .
Regulation 2019/2074	Commission Delegated Regulation (EU) 2019/2074 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country ³⁴ .

²⁸ OJ L 250, 30.9.2019, p. 6.

²⁹ OJ L 255, 4.10.2019, p. 1.

³⁰ OJ L 261, 14.10.2019, p. 37.

³¹ OJ L 277, 29.10.2019, p. 89.

³² OJ L 289, 8.11.2019, p. 50.

³³ OJ L 312, 3.12.2019, p. 1.

³⁴ OJ L 316, 6.12.2019, p. 6.

Regulation 2019/2122	Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No. 142/2011 ³⁵ .
Regulation 2019/2123	Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts ³⁶ .
Regulation 2019/2124	Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No. 798/2008, (EC) No. 1251/2008, (EC) No. 119/2009, (EU) No. 206/2010, (EU) No. 605/2010, (EU) No. 142/2011, (EU) No. 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC ³⁷ .
Regulation 2019/2126	Commission Delegated Regulation (EU) 2019/2126 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts ³⁸ .
Regulation 2019/2129	Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union ³⁹ .
Regulation 2019/2130	Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts ⁴⁰ .

³⁵ OJ L 321, 12.12.2019, p. 45.

³⁶ OJ L 321, 12.12.2019, p. 64.

³⁷ OJ L 321, 12.12.2019, p. 73.

³⁸ OJ L 321, 12.12.2019, p. 104.

³⁹ OJ L 321, 12.12.2019, p. 122.

⁴⁰ OJ L 321, 12.12.2019, p. 128.

Regulation 2020/466	Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease ⁴¹ .
Regulation 2020/1158	Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station ⁴² .

⁴¹ OJ L 098, 31.3.2020, p. 30.

⁴² OJ L 257, 6.8.2020, p. 1.

SCHEDULE 2³⁸

[Regulation 3]

SPECIFIED IMPORT PROVISIONS³⁹

Column 1 Provisions of legislation	Column 2 Requirement
Provision of EU legislation	Subject matter
Article 69(1) of Regulation 2017/625	Requirement that the operator responsible for the consignment is to carry out all the measures ordered by the competent authorities.
Article 1 of Regulation 2019/1013	Requirement that the operator responsible for a consignment give prior notification to the competent Article 1 of Regulation 2019/1013 authority for the BCP, at least one working day before the expected arrival of the consignment.
Article 3 of Regulation 2019/1602	Requirement that a Common Health Entry Document (CHED) is to accompany each consignment irrespective of whether or not it is split at the border control post in the British Islands prior to arrival in the Island or subsequent to leaving that border control post.
Article 4(a) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies the consignment to the place of destination and until it is released into free circulation.
Article 4(b) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and is to keep a copy of the CHED at the disposal of the customs authorities.
Article 5(1)(a) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, when giving prior notification, the operator responsible for the consignment is to declare the border control post as the place of destination in the CHED for the entire consignment.
Article 5(1)(b) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to request that the consignment be split and is to submit, through the appropriate computerised information management system, a CHED for each part of the split consignment and make a declaration.

Article 5(1)(d) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to ensure that a copy of the CHED for each part of the split consignment accompanies the relevant part to the place of destination and until it is released into free circulation.
Article 5(1)(e) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 5(2)(a) of Regulation 2019/1602	Requirement that where a non-compliant consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to submit a CHED for each part of the split consignment and make a declaration.
Article 6(a) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post prior to arrival in the Island and before being released for free circulation in the Island, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies each part of the split consignment until it is released for free circulation.
Article 6(b) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 3(1) of Regulation 2019/1666	Requirement that the operator responsible for the consignment is to, within one day upon arrival of the consignment, inform the competent authority responsible for performing the official controls at the establishment at the place of destination in the Isle of Man of the arrival of the consignment.
Article 6(1) of Regulation 2019/2123	Requirement that after the competent authorities of the border control post have authorised or decided on the transfer of the consignment to the control point indicated in the CHED, the operator responsible for the consignment shall not present the consignment for identity and physical checks to a control point different from the one indicated in the CHED, unless the competent authorities of the border control post authorise the transfer of the consignment to another control point in accordance with point (a) of Article 3(1) and point (a) of Article 4(2).

Article 6(4) of Regulation 2019/2123	Requirement that the operator shall provide the reference number of the finalised CHED referred to in Article 6(3) in the customs declaration which is lodged for the consignment with the customs authorities and shall provide or make available to the customs authorities a copy of that CHED.
Article 6(1) of Regulation 2019/2124	Requirement that the operator responsible for the consignments authorised for onward transportation in accordance with Article 4 ensures that: (a) during transport to, and storage at, the onward transportation facility, the consignment is not tampered with in any manner; (b) the consignment is not subject to any alteration, processing, substitution or change of packaging; (c) the consignment does not leave the onward transportation facility pending the decision on the consignment being taken by competent authority for the BCP in accordance with Article 55 of Regulation (EU) 2017/625.
Article 6(2) of Regulation 2019/2124	Requirement that the operator responsible for the consignment shall transport the consignment under customs supervision directly from the border control post to the onward transportation facility, without the goods being unloaded during transport, and shall store it in the onward transportation facility.
Article 6(4) of Regulation 2019/2124	Requirement that the operator responsible for the consignment shall ensure that a copy, on paper or in electronic form, of the CHED referred to in Article 3 accompanies the consignment from the border control post to the onward transportation facility.
Article 6(5) of Regulation 2019/2124	Requirement that the operator responsible for the consignment notifies the competent authority at the place of final destination in the Isle of Man of the arrival of consignment at the onward transportation facility.
Article 6(6) of Regulation 2019/2124	Requirement that after the competent authority for the BCP have authorised the onward transportation of the consignment to the onward transportation facility, the operator responsible for the consignment shall not transport the consignment to a onward transportation facility that is different from the one indicated in the CHED, unless the competent authority for the BCP authorises the change in accordance with Article 4 and provided that the conditions laid down in paragraphs 1 to 5 of Article 6 are complied with.

ENDNOTES

Table of Endnote References

- ¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.
- ² Definition of “authorised officer” amended by SD2019/0497.
- ³ Definition revoked by SD2023/0284..
- ⁴ Definition of “the Import Provisions” substituted by SD2019/0497.
- ⁵ Definition of “the Regulation 2017/625 package” substituted by SD2023/0284.
- ⁶ Definition of “third country” substituted by SD 2019/0374 with effect from 31/12/2020 at 23:00.
- ⁷ Para (1A) inserted by SD2023/0284.
- ⁸ Para (3) amended by SD2019/0497.
- ⁹ Para (1) amended by SD2019/0497.
- ¹⁰ Para (2) revoked by SD2019/0497.
- ¹¹ Subpara (b) substituted by SD2019/0497.
- ¹² Subpara (a) amended by SD2019/0497.
- ¹³ Para (1) amended by SD2023/0160.
- ¹⁴ Para (ii) amended by SD2019/0497.
- ¹⁵ Para (1) amended by SD2019/0497.
- ¹⁶ Subpara (b) amended by SD2019/0497.
- ¹⁷ Para (5) amended by SD2019/0497.
- ¹⁸ Definition of “product” substituted by SD2023/0284.
- ¹⁹ Para (2) amended by SD2019/0497.
- ²⁰ Subpara (A) amended by SD2019/0497.
- ²¹ Subpara (B) amended by SD2019/0497.
- ²² Subpara (C) amended by SD2019/0497.
- ²³ Reg 12 amended by SD2019/0497.
- ²⁴ Para (1) amended by SD2019/0497 and by SD2023/0284.
- ²⁵ Para (2) amended by SD2019/0497 and by SD2023/0284.
- ²⁶ Para (3) amended by SD2019/0497 and SD2023/0284.
- ²⁷ Reg 16 substituted by SD2019/0497.
- ²⁸ Para (3) amended by SD2023/0284.
- ²⁹ Reg 17 substituted by SD2019/0497.
- ³⁰ Reg 18 revoked by SD2020/0544 with effect from 31/12/2020 at 23:00.
- ³¹ Subpara (b) amended by SD2020/0544 with effect from 31/12/2020 at 23:00.
- ³² Subpara (ba) inserted by SD2020/0544 with effect from 31/12/2020 at 23:00.
- ³³ Para (2) amended by SD2023/0284.
- ³⁴ Reg 21 inserted by SD2020/0544 with effect from 31/12/2020 at 23:00.

³⁵ Sch 1 substituted by SD2019/0497.

³⁶ Subheading amended by SD2023/0284.

³⁷ Table substituted by SD2023/0284.

³⁸ Sch 2 substituted by SD2019/0497.

³⁹ Table substituted by SD2023/0284.