

**The European Union (General Provisions) (Brexit)  
(Bailiwick of Guernsey) Regulations, 2020**

*Made*

*December, 2020*

*Coming into operation*

*See regulation 17*

*Laid before the States*

**WHEREAS** the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018<sup>a</sup> will preserve certain EU provisions in the domestic law of the Bailiwick,

**WHEREAS** other EU provisions having effect in the Bailiwick pursuant to the European Communities (Implementation) Law, 1994<sup>b</sup>, or any other enactment, will continue to have effect,

**RECOGNISING** that the Transition Period will end on exit day,

**ACKNOWLEDGING** that, in consequence, it is necessary to make further arrangements that provide for the continued operability of the law,

**NOW THEREFORE THE POLICY & RESOURCES COMMITTEE**, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, and upon receipt of the certificate required

---

<sup>a</sup> Order in Council No. I of 2019, as amended by G.S.I. No. 6 of 2020.

<sup>b</sup> Ordres en Conseil Vol. XXXV(1), p. 65, as amended by No. I of 2019.

under section 5(3) of that Law, hereby makes the following Regulations:-

*General Provisions*

**Status of these Regulations.**

1. These Regulations are subject to contrary provision in, or a contrary intention appearing in, any other enactment (including, but not limited to, any enactment made under the Brexit Law), and are to be construed accordingly.

**Continuity in respect of the United Kingdom.**

2. (1) Unless the United Kingdom is otherwise provided for, any reference (however described) to the EU or the EEA, or member states of the EU or the EEA, in –

- (a) an enactment, or
- (b) any EU provision not forming part of Preserved EU law that has been implemented under an enactment,

that has effect in the Bailiwick (or any part thereof) immediately before exit day is to be read, on and after exit day, as including the United Kingdom.

(2) For the purposes of paragraph (1), the United Kingdom includes such of its territories that formed part of the EU or the EEA immediately before exit day, but only if those territories are not otherwise provided for and only to the extent that those territories formed part of the EU or the EEA.

**Extent of Preserved EU law and related provisions.**

3. (1) No provision of Preserved EU law, or of any enactment implementing Preserved EU law and having effect in the Bailiwick (or any part

thereof) immediately before exit day, is to be read on and after exit day as –

- (a) applying in, or
- (b) giving rise to any right, power, or obligation to do or refrain from doing anything in,

any territory outside the Bailiwick.

(2) Subject to paragraph (3), any reference in Preserved EU law, or in any enactment implementing Preserved EU law and having effect in the Bailiwick (or any part thereof) immediately before exit day, to the "Union", or to the "European Economic Area", to the "territory of" or the "customs territory of" the European Union, or any like expression, is to be read on and after exit day as a reference to the Bailiwick, and the Preserved EU law or enactment (as the case may be) shall be construed accordingly.

(3) Any reference in Preserved EU law, or in any enactment implementing Preserved EU law and having effect in the Bailiwick (or any part thereof) immediately before exit day, to a "third country", "third countries", or any like expression is to be read on and after exit day as a reference to countries or territories outside the British Islands or, as the case may be, outside Great Britain, the Channel Islands and the Isle of Man, and the Preserved EU law or enactment (as the case may be) shall be construed accordingly.

*Domestication of former EU law*

**Allocation and re-allocation of certain EU functions of a legislative nature.**

4. (1) Subject to paragraph (2), any power to adopt –

- (a) decisions,
- (b) implementing acts, or
- (c) delegated acts,

in Preserved EU law ("**relevant legislative function**") conferred on the EU or any institution, body or agency of the EU (however described) is deemed to be a power to make regulations conferred on the relevant Committee, subject to and in accordance with existing provision made in any enactment, or in any arrangements entered into or otherwise existing, concerning the functions of any Bailiwick Authority (including any committee of the same) and the making of regulations thereby, and corresponding references in Preserved EU law are to be read accordingly.

(2) Subject to paragraph (3), the relevant Committee may, by Order, from time to time provide that any relevant legislative function allocated to it in accordance with paragraph (1) is to be re-allocated to another committee, and any relevant legislative function re-allocated by Order will be deemed to be a power to make regulations conferred on the committee appointed in the Order, and corresponding references in Preserved EU law are to be read accordingly.

(3) For the avoidance of doubt –

- (a) the relevant Committee may not re-allocate a relevant legislative function to a committee of another Bailiwick Authority,
- (b) the relevant Committee may not re-allocate a relevant legislative function to another committee of the same Bailiwick Authority without the consent of that

committee, and

- (c) the power in paragraph (2) is without prejudice and in addition to any other power to transfer a function of a relevant Committee.

**Allocation and re-allocation of EU functions of an executive nature.**

5. (1) Subject to paragraph (2), any function of an executive nature, including functions of a regulatory nature, in Preserved EU law ("**relevant executive function**") conferred on –

- (a) the EU or any institution, body or agency of the EU (however described), or
- (b) a member state of the EU or any institution, body or agency of a member state of the EU (however described),

is deemed to be conferred on the relevant Committee, subject to and in accordance with existing provision made in any enactment, or in any arrangements entered into or otherwise existing, concerning the functions of any Bailiwick Authority (including any committee of the same), and corresponding references in Preserved EU law are to be read accordingly.

(2) Subject to paragraph (3), the relevant Committee may, by Order, from time to time provide that any relevant executive function allocated to it in accordance with paragraph (1) is to be re-allocated to another committee, and any relevant executive function re-allocated by Order will be deemed to be a function conferred on the committee appointed in the Order, and corresponding references in Preserved EU law are to be read accordingly.

- (3) For the avoidance of doubt –
- (a) the relevant Committee may not re-allocate a relevant executive function to another committee (including to a committee of another Bailiwick Authority) without the consent of that committee, and
  - (b) the power in paragraph (2) is without prejudice and in addition to any other power to transfer a function of a relevant Committee.

**Other modifications of Preserved EU law.**

6. (1) Any relevant function or any other provision of Preserved EU law relating to the discharge of a relevant function which would, but for this paragraph, place the relevant Committee or, as the case may be, another committee to which a relevant function has been re-allocated under a relevant duty is deemed to empower, but not require, the relevant Committee or, as the case may be, another committee to discharge the relevant function.

(2) Any relevant function or any provision of Preserved EU law relating to the discharge of a relevant function which prescribes the time at or by which, or the manner in or by which, a relevant duty is to be performed, the consequences of performing (or failing to perform) a relevant duty, or any similar requirement, limitation or outcome, is to be construed in accordance with paragraph (1).

(3) Otherwise than as provided for in paragraphs (1) and (2), any other provision of Preserved EU law which would, but for this paragraph –

- (a) place a Bailiwick Authority (or any committee of the same) under a relevant duty is deemed to empower, but not require, a Bailiwick Authority (or any committee of the same) to discharge the relevant function, and
- (b) prescribes the time at or by which, or the manner in or by which, a relevant duty is to be performed, the consequences of performing (or failing to perform) a relevant duty, or any similar requirement, limitation or outcome, is to be construed in accordance with subparagraph (a).

(4) Any provision of Preserved EU law which would, but for this paragraph, prohibit, limit, or otherwise restrict the discharge of –

- (a) any relevant legislative function by the relevant Committee or, as the case may be, another committee to which it has been re-allocated,
- (b) any relevant executive function by the relevant Committee or, as the case may be, another committee to which it has been re-allocated, or
- (c) any other function by a Bailiwick Authority (or any committee of the same),

on the grounds that such exercise would be incompatible with EU law is disapplied.

(5) Any provision of Preserved EU law which would, but for this paragraph, make the discharge of –

- (a) any relevant legislative function by the relevant Committee or, as the case may be, another committee to which it has been re-allocated,
- (b) any relevant executive function by the relevant Committee or, as the case may be, another committee to which it has been re-allocated, or
- (c) any other function by a Bailiwick Authority (or any committee of the same),

subject to or contingent on (without limitation) –

- (i) any pre-condition relating to,
- (ii) any approval or consent from, or
- (iii) consideration of factors concerning
  - (A) the EU or any institution, body or agency of the EU (however described), or
  - (B) a member state of the EU or any institution, body or agency of a member state of the EU (however described),

is disapplied.

*Further provision in respect of Preserved EU law*

**Status of the Protocol and the Regulation.**

7. (1) On and after exit day, to the extent they form part of Preserved EU law the Protocol and the Regulation are disapplied.

(2) Notwithstanding paragraph (1), and for the avoidance of doubt, whether and the extent to which any EU provision is Preserved EU law, and the construction of the same, remains subject to the Protocol and the Regulation as they had effect immediately before exit day.

**Citation of Preserved EU law.**

8. On and after exit day, any EU provision that forms part of Preserved EU law is to be read as if the word "Preserved" were inserted before its title.

**Preserved EU law Information Statement.**

9. The Schedule to these Regulations sets out a statement, published by the Policy & Resources Committee under section 3(2) of the Brexit Law, specifying examples of Preserved EU law.

*Amendment of Schedule 1 to the Brexit Law*

**Amendment of Schedule 1 to the Brexit Law.**

10. In Schedule 1 to the Brexit Law, for paragraph 1 substitute –

**"Existing ambulatory references.**

1. (1) Subparagraphs (2) and (3) are subject to sections 2 and 4, any other provision in or under this Law, and any other enactment.

(2) On and after exit day, any reference in Preserved EU law to any EU provision (as it has effect from time to time) is –

(a) in the case of a reference to an EU provision forming part of Preserved EU law, to be read as a reference to the EU provision as it forms part of Preserved EU law on exit day and, unless the contrary intention appears, as modified or amended from time to time by an enactment or an item of Preserved EU law, or

(b) in the case of a reference to an EU provision not forming part of Preserved EU law, to be read as-

(i) a reference to the EU provision as it had effect immediately before exit day and,

(ii) unless the contrary intention appears, in the case of a reference to an EU provision implemented by an Ordinance made under the Implementation Law or otherwise given effect by an enactment, as a reference to that EU provision as it has effect in the Bailiwick or any part thereof from time to time.

(3) On and after exit day, any reference in any other enactment having effect in the Bailiwick (or any part thereof) immediately before exit day to any EU provision (as it has effect from time to time) is –

- (a) in the case of a reference to an EU provision forming part of Preserved EU law, to be read as a reference to the EU provision as it forms part of Preserved EU law on exit day and, unless the contrary intention appears, as modified or amended from time to time by an enactment or an item of Preserved EU law, or
  
- (b) in the case of a reference to an EU provision not forming part of Preserved EU law, to be read as-
  - (i) a reference to the EU provision as it has effect from time to time, and
  
  - (ii) unless the contrary intention appears, in the case of a reference to an EU provision implemented by an Ordinance made under the Implementation Law or otherwise given effect by an enactment, a reference to that EU provision as it has effect in the Bailiwick or any part thereof from time to time."

*Miscellaneous*

**Further savings.**

11. For the avoidance of doubt, any reference in an enactment to a

restriction or obligation to which section 2(1) of the European Communities Act 1972<sup>c</sup> applies is to be read, on and after exit day, as a reference to a restriction or obligation to which section 2(1) of the European Communities Act 1972 applied immediately before TP Commencement Day.

**Further provisions in respect of the EU and the EEA.**

12. (1) In an enactment having effect in the Bailiwick (or any part thereof) immediately before exit day, any reference to the "Community", "European Community" or "European Communities", or like expression or corresponding abbreviation, is to be treated on and after exit day as being or including (as the context requires) a reference to the "Union", the "European Union" or the "EU", and references to "Community law" or "Community provision" are to be construed accordingly.

(2) Subject to paragraph (3), where –

- (a) the operation of any enactment having effect in the Bailiwick (or any part thereof) immediately before 15<sup>th</sup> April, 1996 is limited (expressly or by implication) by reference to the Union or by reference to some connection with the Union, and
- (b) the enactment relates to a matter to which the EEA Agreement (as it has effect from time to time) relates,

then, unless the context otherwise requires, the enactment has effect in relation to that matter on and after exit day with the substitution of a corresponding limitation relating to the EEA (or, where appropriate, to both the Union and the EEA).

---

<sup>c</sup> An Act of Parliament (1972 c. 68).

- (3) Paragraph (2) does not –
- (a) apply to an enactment by reason only that it refers to, or to a provision of, one of the EU Treaties or an EU instrument, and
  - (b) in the case of an enactment the operation of which is limited by reference to an institution of the EU, require the substitution of a limitation relating to the EFTA Surveillance Authority or the EFTA Court.

*Final Provisions*

**Interpretation.**

13. (1) In these Regulations, unless the contrary intention appears -

"**Bailiwick**" includes the territorial waters adjacent to Guernsey, Alderney and Sark,

"**Bailiwick Authority**" means all or any of –

- (a) the States of Deliberation,
- (b) the States of Alderney, and
- (c) the Chief Pleas of Sark,

"**the Brexit Law**" means the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018,

"exit day" has the meaning given in the Brexit Law,

"member", in the expression "member state", refers to membership of the EU or, as the case may be, the EEA,

"the Protocol" means Protocol No. 3 of the United Kingdom's Act of Accession to the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd January 1972,

"the Regulation" means Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products<sup>d</sup> as amended from time to time before exit day,

"relevant Committee" means, in relation to a relevant function capable of applying –

- (a) in Sark only, the Sark Committee,
- (b) in Alderney only, the Alderney Committee, and
- (c) in any other case, the Policy & Resources Committee,

and "the Sark Committee", "the Alderney Committee" and "the Policy & Resources Committee" have the meanings given in the Brexit Law,

"relevant duty" means a duty or other obligation (without limitation)

---

<sup>d</sup> OJ No L 68, 15.03.1973, p. 1.

to consult, co-operate, co-ordinate, inform, notify, or in some other way interact with –

- (a) the EU or any institution, body or agency of the EU (however described),
- (b) a member state of the EU or any institution, body or agency of a member state of the EU (however described),

"relevant executive function": see regulation 5(1),

"relevant function" means any relevant executive function or relevant legislative function, and

"relevant legislative function": see regulation 4(1).

**Revocation.**

14. The European Union (Modification and General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2019<sup>e</sup> are revoked.

**Extent.**

15. These Regulations have effect throughout the Bailiwick.

**Citation.**

16. These Regulations may be cited as the European Union (General Provisions) (Brexit) (Bailiwick of Guernsey) Regulations, 2020.

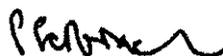
---

<sup>e</sup> G.S.I. No. 32 of 2019.

**Commencement.**

17. These Regulations come into force on exit day, save for regulation 14 which comes into force on the date on which these Regulations are made.

Dated this 22<sup>nd</sup> day of December, 2020



P. T. R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

---

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations complement the provisions of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, and provide for the continued operability of the law after the end of the Transition Period.

In particular, these Regulations make provision in respect of references to the United Kingdom in enactments and EU provisions not forming part of Preserved EU law, and limit the territorial extent of Preserved EU law to the Bailiwick. They also allocate former EU functions contained in Preserved EU law to committees in Guernsey, Alderney and Sark, as appropriate, including conferring regulation-making powers on such committees where necessary. Any provisions in Preserved EU law which would place conditions or restrictions on the exercise of functions by the Bailiwick legislatures, or their committees, are also removed. Similarly, any imposition of duties by Preserved EU law on Bailiwick legislatures, or their committees, is deemed to be a conferral of relevant powers.

The Regulations also clarify how Preserved EU law should be cited, annex an Information Statement relating to agri-foods, and makes miscellaneous provision in respect of the UK European Communities Act 1972 and the interrelationship between the EU and the EEA, and replace the provisions at paragraph 1 of Schedule 1 to the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 in respect of existing ambulatory references to EU provisions.

These Regulations will come into force on exit day, being the 11pm on 31<sup>st</sup> December 2020 which marks the end of the Transition Period, apart from regulation 14 which comes into force on making to revoke similar Regulations prepared in advance of a possible 'No Deal' exit from the EU in 2019.

## SCHEDULE

### PRESERVED EU LAW INFORMATION STATEMENT

Regulation 9

#### *"Information Statement – Preserved EU law*

#### Preserved EU law (Agri-Foods) Information Statement No. 1

*(Published by the Policy & Resources Committee of the States of Guernsey under section 3(2) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018)*

#### **Introduction.**

1. Section 3(2) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 confers power on the Policy & Resources Committee, after consultation with Her Majesty's Procureur, to publish information, in such form as it thinks fit, relating to Preserved EU law within the meaning of that Law; including (but not limited to) examples of Preserved EU law. This Information Statement is made and published under and in exercise of that power, and after consultation with Her Majesty's Procureur.

#### **Examples of Preserved EU law.**

2. Subject to and in accordance with Protocol 3 and Regulation 706/73 as they had effect in the Bailiwick before "exit day", the EU provisions relating to agri-foods listed in the Appendix are examples of Preserved EU law. The Appendix does not form an exhaustive list of Preserved EU law and further Information Statements may be published by the Policy & Resources Committee in due course.

**Policy & Resources Committee  
December 2020**

APPENDIX  
PRESERVED EU LAW (AGRI-FOODS)

1. Food – general

- 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.
- b. 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, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.
- c. Regulation (EC) 1924/2006 on nutrition and health claims made on foods.
- d. Council Directive 2011/91/EU on indications or marks identifying the lot to which a foodstuff belongs

2. Food – hygiene

- a. 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.
- b. Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.
- c. Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption.

3. Food – ingredients, traces, residues, marketing standards

- a. Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings.
- b. Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council

Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97.

- c. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives.
- d. Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC.
- e. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements.
- f. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods.
- g. Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods.
- h. Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food.
- i. Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001.
- j. Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009.
- k. Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts.
- l. Directive 2000/36/EC of the European Parliament and of the Council of 23

June 2000 relating to cocoa and chocolate products intended for human consumption.

- m. Council Directive 2001/110/EC of 20 December 2001 relating to honey.
- n. Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption.
- o. Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors.
- p. Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries.
- q. Commission Regulation (EC) No 1375/2007 of 23 November 2007 on imports of residues from the manufacture of starch from maize from the United States of America.
- r. Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption.
- s. Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.
- t. Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption.
- u. Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC.
- v. Chapter IV of Title V of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008.
- w. Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No

234/79, (EC) No 1037/2001 and (EC) No 1234/2007.

4. Food contact material

- a. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC.
- b. Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs.

5. Food – other

- a. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation.
- b. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation.
- c. Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients.
- d. Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters.
- e. Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91.
- f. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007.
- g. Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90.
- h. Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions

governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station.

6. Feed – products and hygiene

- a. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC.
- b. Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed.
- c. Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition.
- d. Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community.
- e. Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.

7. GMOs

- a. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed, with the exception of the second paragraph of Article 32.
- b. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC.
- c. Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms.
- d. Part C of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive

90/220/EEC.

8. Live animals, germinal products and products of animal origin

- a. Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ("Animal Health Law").
- b. Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine.
- c. Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals.
- d. Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae.
- e. Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs.
- f. Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC.
- g. Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species.
- h. Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.
- i. Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species.
- j. Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive

89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

- k. Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals.
- l. Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC.
- m. Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption.
- n. Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003.
- o. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation).

9. Animal disease control, zoonosis control

- a. Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.
- b. Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle.
- c. Council Directive 78/52/EEC of 13 December 1977 establishing the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leukosis in cattle.
- d. Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC.
- e. Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive

92/40/EEC.

- f. Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever.
- g. Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness.
- h. Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever.
- i. Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents.
- j. Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease.
- k. Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease.
- l. Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC.
- m. Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue.

10. Animal identification

- a. Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC.
- b. Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97.
- c. Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs.

11. Animal breeding

- a. Article 37 and Article 64(3) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ("Animal Breeding Regulation").

12. Animal welfare

- a. Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.
- b. Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

13. Plant health

- a. Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.
- b. Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.

14. Plant reproductive material

- a. Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed.
- b. Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine.
- c. Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material.
- d. Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of

varieties of agricultural plant species.

- e. Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed.
- f. Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed.
- g. Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes.
- h. Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants.
- i. Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production.
- j. Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed
- k. Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants
- l. Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed

15. Official controls, veterinary checks

- a. 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 (Official Controls Regulation).
- b. 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.

- c. 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.
- d. Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC.
- e. 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.
- f. Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra- Community trade in certain live animals and products with a view to the completion of the internal market.
- g. Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.

16. Sanitary and phytosanitary - Other

- a. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of  $\beta$ -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC.
- b. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC.

17. Fisheries and aquaculture

- a. Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish.
- b. Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines.

- c. Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito.
- d. Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products.
- e. Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, in so far as it concerns provisions relating to minimum sizes of marine organisms.
- f. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, in so far as it concerns provisions relating to marketing standards.
- g. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/20001, in so far as it concerns provisions relating to marketing standards and consumer information.
- h. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC2, in so far as it concerns provisions relating to marketing standards for fishery and aquaculture products.

18. Other

- a. Part III of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, with the exception of Chapter VI.

Any implementing or delegated acts under the above-listed EU provisions are also Preserved EU law."