STATUTORY INSTRUMENTS

2015 No. 1669

AGRICULTURE

The Organic Products (Amendment) Regulations 2015

Made - - - -	*8th September 2015*
Laid before Parliament	*10th September 2015*
Coming into force - -	*1st October 2015*

The Secretary of State makes these Regulations—

(a) in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F1], other than in relation to fees charged by the Secretary of State, and

(b) in exercise of the powers conferred by section 56(1) of the Finance Act 1973 [F2] in relation to fees charged by the Secretary of State.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union [F3].

In accordance with section 56(1) of the Finance Act 1973, the Treasury consent to the making of these Regulations.

F1 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

F2 1973 c.51; section 56(1) was amended by S.I. 2011/1043.

F3 S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State for Environment, Food and Rural Affairs by article 2 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). Despite the transfer to the Scottish Ministers of functions in relation to observing and implementing obligations under EU law, so far as exercisable within devolved competence, the Secretary of State retains power to exercise functions for the purposes specified in section 2(2) of the European Communities Act 1972 as regards Scotland by virtue of section 57(1) of the Scotland Act 1998 (c.46). Despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales by virtue of paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c.32). The Secretary of State has power to make regulations which extend to Northern Ireland under section 2(2) in relation to the common agricultural policy of the European Community by virtue of article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812).

Citation and commencement

1. These Regulations may be cited as the Organic Products (Amendment) Regulations 2015 and come into force on 1st October 2015.

Amendment of the Organic Products Regulations 2009

2.—(1) The Organic Products Regulations 2009 [F4] are amended as follows.

(2) For regulation 5 (permitted exceptions to the organic production rules), substitute—

"**5.** A control body may permit the use of non-organic seed and seed potatoes for the purposes of Article 45(1)(b) and in accordance with Article 45 of Commission Regulation 889/2008 [F5].".

(3) Omit regulation 12 (fees for import authorisations).

(4) In paragraph (1) of regulation 13 (fees for approvals of control bodies and post-approval inspections), for "£192.50" substitute " £203.00 ".

(5) After regulation 32 insert—

"**Review**

32A.—(1) The Secretary of State, in relation to England, must from time to time—

(a) carry out a review of these Regulations;

(b) set out the conclusion of the review in a report; and

(c) publish the report.

(2) In carrying out a review mentioned in paragraph (1) the Secretary of State must, so far as is reasonable, have regard to the powers and mechanisms available in other member States to enable the provisions of the Council Regulation [F6], Commission Regulation 889/2008 and Commission Regulation 1235/2008 [F7] to be enforced.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.".

F4 S.I. 2009/842, to which there are amendments not relevant to these Regulations.

F5 OJ No L 250, 18.9.2008, p 1, as last amended by Commission Implementing Regulation (EU) No 1358/2014 (OJ No L 365, 19.12.2014, p 97).

F6 OJ No L 189, 20.7.2007, p 1, as last amended by Council Regulation (EU) No 517/2013 (OJ No L 158, 10.6.2013, p 1).

F7 OJ No L 334, 12.12.2008, p 25, as last amended by Commission Implementing Regulation (EU) 2015/931 (OJ No L 151, 18.6.2015, p 1).