

2005 No. 2003

AGRICULTURE

COUNTRYSIDE, ENGLAND

**The Environmental Stewardship (England) and Organic
Products (Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>18th July 2005</i>
<i>Laid before Parliament</i>	<i>21st July 2005</i>
<i>Coming into force</i> - -	<i>15th August 2005</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers contained in that section, and, in relation to the Environmental Stewardship (England) Regulations 2005(c), in exercise of the powers conferred on her by section 98 of the Environment Act 1995(d) and, in accordance with section 99 of that Act, with the consent of the Treasury and after consulting the Countryside Agency, English Nature and the Historic Buildings and Monuments Commission for England, hereby makes the following Regulations:

Title, commencement and application

- 1.—(1) These Regulations may be cited as the Environmental Stewardship (England) and Organic Products (Amendment) Regulations 2005 and shall come into force on 15th August 2005.
- (2) Subject to paragraph (3) these Regulations apply in the United Kingdom.
- (3) Regulation 3 applies in England only.

Amendments to the Organic Products Regulations 2004

2. The Organic Products Regulations 2004(e) are amended as follows—
- (a) in regulation 2(1) (interpretation)—

(a) The power of the Secretary of State, as a Minister, designated by virtue of S.I. 1972/1811 in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State's power, as a Minister so designated, to make regulations which apply in Wales is confirmed by article 3(4) of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788). The Secretary of State's power as a Minister so designated, to make regulations which extend to Northern Ireland is confirmed by article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812).

(b) 1972 c.68.

(c) S.I. 2005/621.

(d) 1995 c.25. Section 98(5) defines the appropriate Minister. The functions of the Minister of Agriculture, Fisheries and Food (which related only to England) were transferred to the Secretary of State by virtue of article 2(2) of The Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(e) S.I. 2004/1604.

- (i) the definition of “business” shall be substituted with—
““business” includes any undertaking whether it operates for profit or not and any undertaking or activity carried on by a public authority, including a local authority”;
- (ii) in the definition of “the Council Regulation”, for “as last amended by Council Regulation (EC) No. 392/2004”, there shall be substituted “as last amended by Commission Regulation (EC) No. 2254/2004”(a); and
- (iii) in the definition of “specified Community provisions”, in paragraph (c), for “the Compendium of UK Organic Standards, May 2004 Edition”, there shall be substituted “the Compendium of UK Organic Standards, July 2005 Edition”;

(b) after regulation 4, there shall be inserted—

“Exemption from the application of Article 8 of the Council Regulation

4A. Operators who sell products as specified in Article 1 of the Council Regulation directly to the final consumer or user shall be exempt from Article 8 of that Regulation provided that they do not produce, prepare, store other than in connection with the point of sale, or import such products from a third country.”; and

(c) regulation 10(3) shall be omitted.

Amendments to the Environmental Stewardship (England) Regulations 2005

3. The Environmental Stewardship (England) Regulations 2005 (interpretation)(b) are amended by substituting for the definition of “Compendium of UK Organic Standards” in regulation 2, the following definition—

““Compendium of UK Organic Standards” means the Compendium of UK Organic Standards, July 2005 Edition, published by the Department for Environment, Food and Rural Affairs;”.

6th July 2005

Bach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

We consent,

18th July 2005

Vernon Coaker
Tom Watson
Two of the Lords of Her Majesty’s Treasury

(a) O.J. No. L 385, 29.12.2004, p.20.
(b) S.I. 2005/621.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the Organic Products Regulations 2004 (S.I. 2004/1604), which apply throughout the United Kingdom, and the Environmental Stewardship (England) Regulations 2005 (S.I. 2005/621) which only apply in England.

The Organic Products Regulations 2004 provide for the administration, execution and enforcement of Council Regulation (EEC) No. 2092/91, as amended, (OJ No. L198, 22.7.91, p.1) on the organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (“the Council Regulation”) and of the Commission Regulations supplementing that Regulation. The Environmental Stewardship (England) Regulations 2005 establish a scheme under which, in return for complying with certain requirements and conditions, farmers become entitled to grants.

The amendments to the Organic Products Regulations 2004 are as follows:

- (a) the definition of “the Council Regulation” is amended to refer to the latest amending instrument, namely Commission Regulation (EC) 2254/2004 (OJ No. L385, 29.12.2004, p.20) (regulation 2(a)(ii));
- (b) the reference to the Compendium of UK Organic Standards, May 2004 edition, in the definition of “specified Community provisions” is replaced with a reference to the Compendium of UK Organic Standards, July 2005 Edition (regulation 2(a)(iii));
- (c) insertion of a provision stating that certain operators will be exempted from Article 8 (Inspection System) as is permitted by the Council Regulation as amended by Council Regulation (EC) No 392/2004 (OJ No. L65, 03.03.2004, p.1) amending Regulation (EEC) No 2092/91 on the organic production of agricultural products and indications referring thereto in agricultural products and foodstuffs (regulation 2(b));
- (d) the definition of the term “business” is amended to exclude certain previously specified public authorities (regulation 2(a)(i)); and
- (e) regulation 10(3) is omitted (regulation 2(c)).

The Environmental Stewardship (England) Regulations 2005 are amended to replace the definition of the Compendium of UK Organic Standards as meaning the Compendium of UK Organic Standards, May 2004 Edition with a reference to the Compendium of UK Organic Standards, July 2005 Edition.

The Compendium of UK Organic Standards, July 2005 Edition, is published by the Department for Environment, Food and Rural Affairs and a copy can be inspected, during normal office hours, at Ergon House (Organic Farming and Industrial Crops Division), Horseferry Road, London SW1P 2AL (telephone 020 7238 5605; fax number 020 7238 6148; email organic.standards@defra.gsi.gov.uk; website www.defra.gov.uk/farm/organic).

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

STATUTORY INSTRUMENTS

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Products (Amendment) Regulations 2005**

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