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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 407**

**The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019**

**Citation and commencement**

1. These Regulations may be cited as the Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 and come into force on 14 December 2019.

**Amendment of the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001**

2. In regulation 7(4) (penalties and enforcement) of the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001(1) for “Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules” substitute “Regulation (EU) 2017/625 of the European Parliament and of the Council 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(2)”.

**Amendment of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005**

3.—(1) The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005(3) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “prescribed manner” for “Article 11(1) of Regulation 882/2004” substitute “Article 34 of Regulation 2017/625”,

(ii) omit the definition of “Regulation 882/2004”, and

(iii) after the definition of “Regulation 767/2009” insert—

““Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council 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

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(1) S.S.I. 2001/38, as amended by S.S.I. 2019/33.

(2) OJ L 95, 7.4.2017, p.1.

(3) S.S.I. 2005/608.

(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<sup>(4)</sup>,

“Regulation (EU) 2019/1793” means Regulation (EU) 2019/1793 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<sup>(5)</sup>,” and

- (b) in paragraph (2)—
- (i) omit “Regulation 882/2004 or”, in both places where it occurs, and
  - (ii) after “Regulation 183/2005<sup>(6)</sup>”, in both places where it occurs, insert “or Regulation 2017/625”.
- (3) In regulation 24 (powers of entry for authorised officers) omit paragraph (13)(c).
- (4) For regulation 28 (liability for expenditure) substitute—
- “**28.** Any sums due to the enforcement authority by virtue of Article 138(4) of Regulation 2017/625 must be paid by the feed business operator to the enforcement authority on demand.”.
- (5) In regulation 30 (procedure relating to samples for analysis)—
- (a) in paragraph (1)—
    - (i) in the opening words, after “regulation 24(6)” insert “or Article 36 of Regulation 2017/625”, and
    - (ii) for paragraph (1)(c) substitute—
 

“(c) send another part to the person—

      - (i) on whose premises the material was sampled or to that person’s agent, or
      - (ii) who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent, and”
  - (b) in paragraph (4), after the opening text, for sub-paragraphs (a) and (b) substitute—
 

“(a) the person—

    - (i) on whose premises the material was sampled or that person’s agent, or
    - (ii) who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent, and

(b) if part of the sample was sent under paragraph (2), the person to whom that part was sent.”.
- (6) In schedule 1 (specified feed law)—

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<sup>(4)</sup> OJ L 95, 7.4.2017, p.1.

<sup>(5)</sup> OJ L 277, 29.10.2019, p.89.

<sup>(6)</sup> OJ L 35, 8.2.2005, p.1.

- (a) omit “Regulation 882/2004”,
- (b) omit “Regulation (EC) 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC , in so far as it relates to feed”, and
- (c) after “Regulation 767/2009” insert—
  - “Regulation 2017/625
  - Regulation 2019/1793.”.

### **Amendment of the Food Hygiene (Scotland) Regulations 2006**

4.—(1) The Food Hygiene (Scotland) Regulations 2006(7) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “the Community Regulations” substitute —

““the Community Regulations” means Regulation 852/2004(8), Regulation 853/2004(9), Regulation 2073/2005(10), Regulation 2015/1375(11), Regulation 2019/624(12), Regulation 2017/625, Regulation 2019/625(13), Regulation 2019/627(14) and Regulation 2019/628(15),”, and

(ii) for the definition that begins “Decision 2006/766” substitute—

““Regulation 178/2002(16)”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 2073/2005”, “Regulation 2074/2005(17)”, “Regulation 931/2011(18)”, “Regulation 1169/2011(19)”, “Regulation 28/2012(20)”, “Regulation 208/2013(21)”, “Regulation 210/2013(22)”, “Regulation 579/2014(23)”, “Regulation 2017/185(24)”, “Regulation 2017/625(25)”, “Regulation 2017/2158(26)”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/626(27)”, “Regulation 2019/627”, “Regulation 2019/628”, have the meanings respectively given to them in schedule 1.”

(3) In regulation 5 (enforcement) for paragraph (7) substitute—

“(7) In this regulation—

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- (7) [S.S.I. 2006/3](#).
  - (8) OJ L 139, 30.4.2004, p.1.
  - (9) OJ L 139 30.4.2004, p.55.
  - (10) OJ L 338, 22.12.2005, p.1.
  - (11) OJ L 212, 11.8.2015, p.7.
  - (12) OJ L 131, 17.5.2019, p.1.
  - (13) OJ L 131, 17.5.2019, p.18.
  - (14) OJ L 131, 17.5.2019, p.51.
  - (15) OJ L 131, 17.5.2019, p.101.
  - (16) OJ L 31, 1.2.2002, p.1.
  - (17) OJ L 338, 22.12.2005, p.27.
  - (18) OJ L 242, 20.9.2011, p.2.
  - (19) OJ L 304, 22.11.2011, p.18.
  - (20) OJ L 12, 14.1.2012, p.1.
  - (21) OJ L 68, 12.3.2013, p.16.
  - (22) OJ L 68, 12.3.2013, p.24.
  - (23) OJ L 160, 29.5.2014, p.14.
  - (24) OJ L 29, 3.2.2017, p. 21.
  - (25) OJ L 95, 7.4.2017, p.1.
  - (26) OJ L 304, 21.11.2017, p.24.
  - (27) OJ L 131, 17.5.2019, p.31.

“cutting plant” means any establishment which is used for boning and/or cutting up fresh meat for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625,

“game-handling establishment” means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625, and

“slaughterhouse” means any establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which is approved or conditionally approved under Article 148 of Regulation 2017/625.”.

(4) For schedule 1 (definitions of EU legislation) substitute the schedule set out in schedule 1 of these Regulations.

(5) In schedule 2 (specified Community provisions)—

- (a) in the entry relating to “Article 4(3) of Regulation 853/2004” in column 2 for “Regulation 854/2004” substitute “Regulation 2017/625”,
- (b) in the entry relating to “Article 4(4) of Regulation 853/2004” in column 2 for “Regulation 854/2004” substitute “Regulation 2017/625”,
- (c) in the entry relating to “Article 5(1) of Regulation 853/2004” in column 2, in both places where it occurs, for “Regulation 854/2004”, substitute “Regulation 2017/625”,
- (d) in the entry relating to “Article 5(3) of Regulation 853/2004” in column 2 for “Regulation 854/2004” substitute “Regulation 2017/625”,
- (e) in the entry relating to “Article 6(3) of Regulation 853/2004” in column 2 for “Council Directive 97/78/EC” substitute “Regulation 2017/625”, and
- (f) omit the entry relating to “Article 6(4) of Regulation 853/2004”.

(6) In schedule 3A (requirements referred to in regulation 17(5)) in paragraph (e) for “under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require examination for Trichinosis” substitute “under Article 18(2) of Regulation 2017/625 as read with Article 31 of Regulation 2019/627, require that examination for Trichinella”.

### **Amendment of the Fishery Products (Official Controls Charges)(Scotland) Regulations 2007**

5.—(1) The Fishery Products (Official Controls Charges)(Scotland) Regulations 2007(28) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2 (interpretation)—

- (a) the current text becomes paragraph (1), and
- (b) in new paragraph (1)—
  - (i) for the definition that begins “Directive 2004/41” substitute—
 

““Directive 2004/41”, “Regulation 2406/96”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2017/185”, “Regulation 2017/625”, “Regulation 2019/624” and “Regulation 2019/627” have the meanings respectively given to them in the schedule.”,
  - (ii) in the definition of “first placing on the market” for “Regulation 882/2004” substitute “Regulation 2017/625”,

- (iii) in the definition of “first sale in a fish market” for “Regulation 882/2004” substitute “Regulation 2017/625”,
  - (iv) in the definition of “official controls” for “paragraph 1 of Article 2 of Regulation 882/2004” substitute “Article 2(1) of Regulation 2017/625”,
  - (v) in the definition of “processing” for “Chapter V of Section B of Annex IV to Regulation 882/2004” substitute “Regulation 2017/625”, and
  - (vi) in the definition of “third country import” for “Regulation 882/2004” substitute “Article 79 of Regulation 2017/625”.
- (3) In regulation 3 (actual costs) for “Annex VI to Regulation 882/2004 directly incurred in the exercise of the official controls required under Annex III to Regulation 854/2004” substitute “Articles 80, 81 and 82 of Regulation 2017/625 directly incurred in the exercise of the official controls required under Title VI of and Annex IV to Regulation 2019/627”.
- (4) In regulation 4 (sterling equivalents of euro) for paragraph (3) substitute—  
“(3) The Euro/Sterling conversion rate is the average of the rates published in the C Series of the Official Journal of the European Union for each of the days of the period of charge (only counting days when the rate is published).”.
- (5) In regulation 9 (sums remitted from one food authority to another) for “Annex III to Regulation 854/2004” substitute “Title VI of and Annex VI to Regulation 2019/627”.
- (6) In regulation 10 (payment of landings charge in respect of the first placing on the market and the first sale in a fish market of fishery products) for “Annex III to Regulation 854/2004” in each place where it occurs, substitute “Title VI of and Annex VI to Regulation 2019/627”.
- (7) In regulation 12 (charge in respect of processing establishments) for “Annex III to Regulation 854/2004” in both places where it occurs substitute “Title VI of and Annex VI to Regulation 2019/627”.
- (8) For the schedule (definitions of Community legislation) substitute the schedule in schedule 2 of these Regulations.

### **Amendment of the Meat (Official Controls Charges) (Scotland) Regulations 2009**

6.—(1) The Meat (Official Controls Charges) (Scotland) Regulations 2009<sup>(29)</sup> are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 2 (interpretation) in paragraph (1)—
- (a) in the definition of “audit” for “Article 2.6 of Regulation 882/2004” substitute “Article 3(30) of Regulation 2017/625”,
  - (b) in the definition of “controls”, for “Regulation 854/2004”, substitute “Regulation 2017/625, Regulation 2019/624 and Regulation 2019/ 627”,
  - (c) for the definition of “cutting plant” substitute—  
““cutting plant” means any establishment which is used for boning and/or cutting up fresh meat for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625”,
  - (d) for the definition that begins “Directive 2004/ 41” substitute—  
““Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2015/1375”, “Regulation 2017/185”, “Regulation

(29) S.S.I. 2009/262.

2017/625”, “Regulation 2019/624” and “Regulation 2019/627” have the meanings respectively given to them in schedule 1,”,

(e) for the definition of “game-handling establishment” substitute—

““game-handling establishment” means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which is approved or conditionally approved under Article 148 of Regulation 2017/625”,

(f) in the definition of “official auxiliary” for “Article 2.1(h) of Regulation 854/2004” substitute “Article 3(49) of Regulation 2017/625”,

(g) in the definition of “official controls” for “Article 2.1 of Regulation 882/2004” substitute “Article 2(1) of Regulation 2017/625”,

(h) in the definition of “official veterinarian” for “Article 2.1(f) of Regulation 854/2004” substitute “Article 3(32) of Regulation 2017/625, and

(i) for the definition of “slaughterhouse” substitute—

““slaughterhouse” means any establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which is approved or conditionally approved under Article 148 of Regulation 2017/625,”.

(3) For schedule 1 (definitions of EU legislation) substitute the schedule in schedule 3 of these Regulations.

(4) In schedule 2 (calculation of the official controls charge)—

(a) in paragraph 2 for “Article 27.3 of Regulation 882/2004” substitute “Article 82 of Regulation 2017/625”,

(b) in paragraph 6 for—

(i) “specified in Article 1.1 of Regulation 882/2004” substitute “of Regulation 2017/625”, and

(ii) “Article 3.1” substitute “Article 9(1)”, and

(c) in paragraph 11 for “Annex VI to Regulation 882/2004” substitute “Article 81 of Regulation 2017/625”.

### **Amendments to the Official Feed and Food Controls (Scotland) Regulations 2009**

7.—(1) The Official Feed and Food Controls (Scotland) Regulations 2009<sup>(30)</sup> are amended in accordance with paragraphs (2) to (26).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “competent authority”, for “Regulation 882/2004” substitute “Regulation 2017/625<sup>(31)</sup>”,

(ii) for the definition that begins “Directive 2004/41” substitute—

““Decision 2007/275<sup>(32)</sup>”, “Directive 2004/41<sup>(33)</sup>”, “Regulation 999/2001<sup>(34)</sup>”, “Regulation 178/2002<sup>(35)</sup>”, “Regulation 852/2004<sup>(36)</sup>”,

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<sup>(30)</sup> S.S.I. 2009/446.

<sup>(31)</sup> OJ L 95 7.4.2017, p.1.

<sup>(32)</sup> OJ L 116, 4.5.2007, p.9.

<sup>(33)</sup> OJ L 157, 30.4.2004, p.33.

<sup>(34)</sup> OJ L 147, 31.5.2001, p.1.

<sup>(35)</sup> OJ L 31, 1.2.2002, p.1.

<sup>(36)</sup> OJ L 139, 30.4.2004, p.1.

“Regulation 853/2004(37)”, “Regulation 1688/2005(38)”, “Regulation 2073/2005(39)”, “Regulation 2074/2005(40)”, “Regulation 2017/185(41)”, “Regulation 2017/625”, “Regulation 2018/329(42)”, “Regulation 2019/66(43)”, “Regulation 2019/530(44)”, “Regulation 2019/626(45)”, “Regulation 2019/627”, “Regulation 2019/628(46)”, “Regulation 2019/723(47)”, “Regulation 2019/1013(48)”, “Regulation 2019/1014(49)”, “Regulation 2019/1715(50)”, “Regulation 2019/1793(51)”, “Regulation 2019/1873(52)”, “Regulation 2018/631(53)”, “Regulation 2019/478(54)”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/1012(55)”, “Regulation 2019/1081(56)”, “Regulation 2019/1602(57)” and “Regulation 2019/1666(58)” have the meanings respectively given to them in schedule 1”,

(iii) for the definition of “the Import Provisions” substitute—

““the Import Provisions” means Part 3 of these Regulations, Title II, Chapter V of Regulation 2017/625 and the Regulation 2017/625 package insofar as they apply to product as defined in regulation 22, ”,

(iv) in the definition of “the Official Control Regulations” for “Regulation 882/2004” substitute “Regulation 2017/625 and the Regulation 2017/625 package,”, and

(v) after the definition of “primary production” insert—

““the Regulation 2017/625 package” means “Regulation 2018/329”, “Regulation 2019/66”, “Regulation 2019/530”, “Regulation 2019/626”, “Regulation 2019/627”, “Regulation 2019/628”, “Regulation 2019/723”, “Regulation 2019/1013”, “Regulation 2019/1014”, “Regulation 2019/1715”, “Regulation 2019/1793”, “Regulation 2019/1873”, “Regulation 2018/631”, “Regulation 2019/478”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/1012”, “Regulation 2019/1081”, “Regulation 2019/1602” and “Regulation 2019/1666”, ”, and

(b) in paragraph (3), for “Regulation 882/2004 or Regulation 669/2009” substitute “Regulation 2017/625 or any of the EU Regulations in the Regulation 2017/625 package” in both places where it occurs.

(3) In regulation 3 (competent authorities)—

(a) in paragraphs (1) and (3) for “Regulation 882/2004” substitute “Regulation 2017/625”,

(b) omit paragraph (5), and

(37) OJ L 139, 30.4.2004, p.55.

(38) OJ L 68, 12.3.2013, p.24.

(39) OJ L 338, 22.12.2005, p.1.

(40) OJ L 338, 22.12.2005, p.27.

(41) OJ L 29, 3.2.2017, p.21.

(42) OJ L 63, 6.3.2018, p.13.

(43) OJ L 15, 17.1.2019, p.1.

(44) OJ L 88, 29.3.2019, p.19.

(45) OJ L 131, 17.5.2019, p.31.

(46) OJ L 131, 17.5.2019, p.101.

(47) OJ L 124, 13.5.2019, p.1.

(48) OJ L 165, 21.6.2019, p.8.

(49) OJ L 165, 21.6.2019, p.10.

(50) OJ L 261, 14.10.2019, p.37.

(51) OJ L 277, 29.10.2019, p.89.

(52) OJ L 289, 8.11.2019, p.50.

(53) OJ L 105, 25.4.2018, p.1.

(54) OJ L 82, 25.3.2019, p.4.

(55) OJ L 165, 21.6.2019, p.4.

(56) OJ L 171, 26.6.2019, p.1.

(57) OJ L 250, 30.9.2019, p.6.

(58) OJ L 255, 4.10.2019, p.1.

- (c) paragraph (6) becomes paragraph (5) and in that new paragraph—
- (i) for “Article 31(2) of Regulation 882/2004” substitute “Article 148(1) to (4) of Regulation 2017/625”, and
  - (ii) omit “, as regards Article 31(2)(a) to (e).”.
- (4) In regulation 4 (exchanging and providing information) in paragraphs (1) and (5) for “Regulation 882/2004” substitute “Regulation 2017/625”.
- (5) In regulation 5 (obtaining information)—
- (a) in paragraph (1) for “Regulation 882/2004” substitute “Regulation 2017/625”, and
  - (b) in paragraphs (1) and (4) for “control body” substitute “delegated body” in each place where it occurs.
- (6) In regulation 6 (power to issue codes of recommended practice) in paragraphs (1)(a) and (3) for “Regulation 882/2004” substitute “Regulation 2017/625”.
- (7) In regulation 12 (right of appeal), in paragraph (1)—
- (a) in sub-paragraph (a), for “Article 31(2)(c) of Regulation 882/2004 (approval)” substitute “Article 148(3) of Regulation 2017/625”,
  - (b) in sub-paragraph (b), for “Article 31(2)(d) of Regulation 882/2004 (conditional approval and full approval)” substitute “Article 148(4) of Regulation 2017/625”, and
  - (c) in sub-paragraph (c), for “Article 31(2)(e) of Regulation 882/2004 (withdrawal of approval and suspension of approval)” substitute “Article 138(2)(j) of Regulation 2017/625 (review of approval)”.
- (8) In regulation 14 (staff of competent authority of another member State), for “Article 36 of Regulation 882/2004” substitute “Article 104 of Regulation 2017/625”.
- (9) In regulation 15 (Commission experts) in paragraph 1 for “Article 45 of Regulation 882/2004” substitute “Articles 116 and 119 of Regulation 2017/625.”
- (10) In regulation 17 (execution and enforcement) in paragraph (1) for “control body” substitute “delegated body”.
- (11) In regulation 22 (interpretation of this Part of these Regulations)—
- (a) for the definition of “product” substitute—
 

““product” means food and feed—

    - (a) of non-animal origin whose import is regulated by Articles 44, 47(1)(d), 47(1)(e) and 47(1)(f) of Regulation 2017/625, and the Regulation 2017/625 package, and
    - (b) those composite products and foodstuffs which are not required to be subject to veterinary checks as provided in Commission [Decision 2007/275/EC](#) 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\(59\)](#),”
  - (b) in the definition of “the relevant territories” for “Regulation 882/2004” substitute “Regulation 2017/625”, and
  - (c) for the definition “specified import provision” substitute—
 

““specified import provision” means any provision of Regulation 2017/625 or the Regulation 2017/625 package that is specified in column 1 of schedule 6 and whose subject-matter is described in column 2 of that schedule.”.
- (12) In regulation 23 (feed enforcement responsibilities and competent authority status)—



- (a) in paragraph (2)—
    - (i) for “Regulation 669/2009” substitute “Regulation 2019/1793”, and
    - (ii) omit “apart from Article 19”, and
  - (b) omit paragraph (4).
- (13) In regulation 24 (food enforcement responsibilities and competent authority status)—
- (a) in paragraph (2)—
    - (i) for “Regulation 669/2009” substitute “Regulation 2019/1793” , and
    - (ii) omit “apart from Article 19”, and
  - (b) omit paragraph (4).
- (14) In regulation 25 (functions of the Commissioners), for “customs services under Article 24 of Regulation 882/2004 and Article 10 of Regulation 669/2009” substitute “customs authorities under Articles 57, 75(1) and 76 of Regulation 2017/625 and Article 4 of Regulation 2019/1793”.
- (15) In regulation 27 (deferred execution and enforcement), in paragraph (6), for “Article 15(5) of Regulation 882/2004” substitute “Articles 47(1)(d), 47(2)(b) and 54(4) of Regulation 2017/625”.
- (16) In regulation 29 (checks on products), for “Article 16 of Regulation 882/2004”, in each place where it occurs, substitute “Articles 34(5), 44(2), 45(1) and 45(2) of Regulation 2017/625”.
- (17) For regulation 30 (suspension of designation of points of entry) substitute—

**“Withdrawal and suspension of border control posts**

- 30.**—(1) Where the Agency 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 Agency 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 may be with immediate effect.
- (3) Upon service of a notice under paragraph (1), the border control post ceases to be a designated border control post to the extent specified in that notice until the suspension is removed in accordance with Article 63(4).
- (4) Where the Agency 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.”.
- (18) In regulation 31 (detention, destruction, special treatment, re-dispatch and other appropriate measures and costs)—
- (a) in paragraph 1 for “Articles 18 to 21 and 24(3) of Regulation 882/2004” substitute “Articles 46, 65, 66, 67, 68, 69, 71, 72 and 138(2) of Regulation 2017/625”, and
  - (b) in paragraph 2 for “Article 22 of regulation 882/2004” substitute “Article 66(7), the last paragraph of Article 67 and Article 69(4)”.
- (19) For regulation 32 (notices pursuant to Articles 18 and 19 of Regulation 882/2004 (imports of feed and food from third countries)) substitute—

**“Notices in relation to imports of feed and food from third countries pursuant to regulation 31**

**32.**—(1) If an authorised officer of an enforcement authority 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 will hear that operator as provided in Article 66(3) of Regulation 2017/625 unless immediate action is necessary to respond to a risk to human health.

(3) If an authorised officer of an enforcement authority proposes to take any of the measures or action 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 feed or food business operator responsible for it.”.

(20) For regulation 36 (costs and fees) substitute—

**“Costs and fees**

**36.**—(1) The costs incurred by the enforcement authority for which the operator is liable under Articles 66(7), 67 and 69(4) of Regulation 2017/625 are payable by the operator on the written demand of the enforcement authority.

(2) The costs of official controls and other activities as referred to in Article 80 of Regulation 2017/625 are payable by the operator on the written demand of the enforcement authority.”.

(21) Omit regulation 43 (expenses arising from additional official controls).

(22) Omit regulation 44 (expenses arising in respect of co-ordinated assistance and follow-up by the Commission).

(23) For schedule 1 (definitions of EU legislation) substitute the schedule in schedule 4 of these Regulations.

(24) For schedule 4 (competent authorities for the purposes of certain provisions of Regulation 882/2004 in so far as they apply in relation to relevant feed law) substitute the schedule in schedule 5 of these Regulations.

(25) For schedule 5 (competent authorities for the purposes of certain provisions of Regulation 882/2004 in so far as they apply in relation to relevant feed law) substitute the schedule in schedule 6 of these Regulations.

(26) For schedule 6 (specified import provisions) substitute the schedule in schedule 7 of these Regulations.

**Amendment of the Feed (Sampling and Analysis and Specified Undesirable Substances) (Scotland) Regulations 2010**

**8.**—(1) The Feed (Sampling and Analysis and Specified Undesirable Substances) (Scotland) Regulations 2010(**60**) are amended in accordance with paragraph (2).

(2) In regulation 6(2) (analysis other than in the course of official controls)—

(a) for “Article 11(1)(a) or, as appropriate, (b) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules as read with Commission Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending

[Decision 2006/504/EC](#)” substitute “Article 34(2)(a) or, as appropriate, (b) of 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](#)**(61)**”.

### **Amendment of the Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011**

**9.**—(1) The Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011**(62)** are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation), in paragraph (1) for the definition of “Regulation 882/2004” substitute—

““Regulation 2017/625” means 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](#)**(63)**

(3) In regulation 7 (expenses arising from official controls)—

(a) in paragraph (1) for “Article 27(1) of Regulation 882/2004” substitute “Article 80 of Regulation 2017/625”, and

(b) in paragraph 2 for “Article 54(5) of Regulation 882/2004” substitute “Article 138(4) of Regulation 2017/625”.

(4) In regulation 8 (notices and actions in the case of non-compliance) in paragraph 3(b) for “Article 54(2) and (5) of Regulation 882/2004” substitute “Article 138(2) and Article 138(4) of Regulation 2017/625”.

(5) For regulation 10 (suspension of designation of first point of introduction) substitute—

#### **“Suspension of designation of border control post**

**10.**—(1) Where the Agency is satisfied that the continued operation of a border control post designated under Article 59 of Regulation 2017/625 presents a serious risk to public health, it may suspend the designation of the border control post either in full or in part by the service

**(61)** OJ L 95, 7.4.2017, p.1.

**(62)** S.S.I. 2011/282.

**(63)** OJ L 95, 7.4.2017, p.1.

on the operator of the border control post of a written notice to that effect in accordance with Article 63 of Regulation 2017/625.

(2) Upon service of a notice under paragraph (1), the border control post ceases to be a designated border control post under Article 59 of Regulation 2017/625 to the extent so specified in that notice until it is again so designated.”.

### **Amendments to the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013**

**10.**—(1) The Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013 (**64**) are amended in accordance with paragraph (2).

(2) For paragraph 3 in Part 2 of schedule 2 (qualifications of food examiners) substitute—

“A laboratory appointed as an official control laboratory under 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”.

St Andrew’s House,  
Edinburgh  
At 12.45 p.m. on 28th November 2019

*JOE FITZPATRICK*  
Authorised to sign by the Scottish Ministers