
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the execution and enforcement in Scotland of Commission Regulation (EU) No. 284/2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China (O.J. L 77, 23.3.2011, p.25) (“the Commission Regulation”).

These Regulations—

- (a) prohibit the placing on the market of polyamide and melamine plastic kitchenware from China and Hong Kong that does not comply with the conditions or has not undergone the import checks and certification specified in the Commission Regulation (regulation 3);
- (b) make it an offence to breach any prohibition set out in regulation 3 (regulation 4);
- (c) designate the competent authorities for the purposes of certain provisions of the Commission Regulation (regulation 5);
- (d) provide that it is the duty of local food authorities to execute and enforce the Commission Regulation and to inform the Food Standards Agency where laboratory analysis of imports of plastic kitchenware indicates non-compliance with that Regulation (regulation 6);
- (e) provide that expenses incurred by food authorities in carrying out the official controls required by the Commission Regulation should be recovered from importers (regulation 7);
- (f) specify the measures to be taken by a food authority where a consignment is not accompanied by the required documentation or is otherwise found to be non-compliant (regulation 8);
- (g) provide for a right of appeal by an importer against the decision of a food authority to take measures under regulation 8 (regulation 9);
- (h) provide for the suspension of designated first points of introduction (regulation 10); and
- (i) apply with modifications specified provisions of the Food Safety Act 1990 for the purposes of these Regulations and the Commission Regulation (regulation 11).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ and online at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011.