

## SCOTTISH STATUTORY INSTRUMENTS

# 2020 No. 398

## The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2020

### Citation and commencement

1. These Regulations may be cited as the Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2020 and come into force on 30 December 2020.

#### Commencement Information

II [Reg. 1](#) in force at 30.12.2020, see [reg. 1](#)

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

2.—(1) The Food Hygiene (Scotland) Regulations 2006 <sup>M1</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition that begins “Regulation 178/2002”—

(i) before ““Regulation 178/2002”” insert ““Directive 2004/41 <sup>M2</sup>”, ”,

(ii) after ““Regulation 853/2004”, ” insert ““Regulation 1688/2005 <sup>M3</sup>”, ”, and

(iii) after ““Regulation 579/2014”, ” insert ““Regulation 2015/1375 <sup>M4</sup>”, ”, and

(b) in paragraph (5) omit “, except Regulation 2017/2158”,.

(3) In schedule 1 (definitions of EU legislation)—

(a) before the definition of “Regulation 178/2002” insert—

““Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)”,

(b) before the definition of “Regulation 2073/2005” insert—

““Regulation 1688/2005” means Commission Regulation [\(EC\) No. 1688/2005](#) implementing Regulation [\(EC\) No. 853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs”, and

(c) before the definition of “Regulation 2017/185” insert—

““Regulation 2015/1375” means Commission Implementing Regulation [\(EU\) 2015/1375](#) laying down specific rules on official controls for *Trichinella* in meat”,.

#### Commencement Information

**I2** [Reg. 2](#) in force at 30.12.2020, see [reg. 1](#)

#### Marginal Citations

**M1** [S.S.I. 2006/3](#), to which there are no relevant amendments.

**M2** OJ L 157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L 195, 2.6.2004, p.12.).

**M3** OJ L 157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L 195, 2.6.2004, p.12.).

**M4** OJ L 212 11.8.2015, p 7.

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

**3.** In the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007 <sup>M5</sup> in regulation 3 (actual costs), for “Annex IV” substitute “ Annex VI ”.

#### Commencement Information

**I3** [Reg. 3](#) in force at 30.12.2020, see [reg. 1](#)

#### Marginal Citations

**M5** [S.S.I. 2007/537](#), relevantly amended by [S.S.I. 2019/407](#).

### Amendment of the Official Feed and Food Controls (Scotland) Regulations 2009

**4.—(1)** The Official Feed and Food Controls (Scotland) Regulations 2009 <sup>M6</sup> are amended in accordance with paragraphs (2) to (14).

(2) In regulation 2 (interpretation) in paragraph (1)—

(a) for the definition that begins “Decision 2007/275” substitute the following—

““Decision 2007/275” <sup>M7</sup>, [<sup>F1</sup>“Directive 2004/41”<sup>F2</sup>], “Regulation 999/2001”<sup>M8</sup>, “Regulation 178/2002”<sup>M9</sup>, “Regulation 852/2004”<sup>M10</sup>, “Regulation 853/2004”<sup>M11</sup>, “Regulation 1688/2005”<sup>M12</sup>, “Regulation 2073/2005”<sup>M13</sup>, “Regulation 2074/2005”<sup>M14</sup>, “Regulation 2017/185”<sup>M15</sup>, “Regulation 2017/625”<sup>M16</sup>, “Regulation 2019/478”<sup>M17</sup>, “Regulation 2019/624” <sup>M18</sup>, “Regulation 2019/625”<sup>M19</sup>, “Regulation 2019/626”<sup>M20</sup>, “Regulation 2019/627”<sup>M21</sup>, “Regulation 2019/628”<sup>M22</sup>, “Regulation 2019/1012” <sup>M23</sup>, “Regulation 2019/1013”<sup>M24</sup>, “Regulation 2019/1014”<sup>M25</sup>, “Regulation 2019/1081”<sup>M26</sup>, “Regulation 2019/1602”<sup>M27</sup>, “Regulation 2019/1666”<sup>M28</sup>, “Regulation 2019/1715”<sup>M29</sup>, “Regulation 2019/1793”<sup>M30</sup>, “Regulation 2019/1873”<sup>M31</sup>, “Regulation 2019/2007”<sup>M32</sup>, “Regulation 2019/2074”<sup>M33</sup>, “Regulation 2019/2122” <sup>M34</sup>, “Regulation 2019/2123”<sup>M35</sup>, “Regulation 2019/2124”<sup>M36</sup>, “Regulation 2019/2126”<sup>M37</sup>, “Regulation 2019/2129”<sup>M38</sup>, “Regulation 2019/2130”<sup>M39</sup>, “Regulation 2020/466”<sup>M40</sup> and “Regulation 2020/1158”<sup>M41</sup>, have the meanings respectively given to them in schedule 1,” and

(b) for the definition of “the Regulation 2017/625 package” substitute—

““the Regulation 2017/625 package” means “Regulation 2019/478”, “Regulation 2019/624”, “Regulation 2019/625”, “Regulation 2019/626”, “Regulation 2019/627”,

“Regulation 2019/628”, “Regulation 2019/1012”, “Regulation 2019/1013”, “Regulation 2019/1014”, “Regulation 2019/1081”, “Regulation 2019/1602”, “Regulation 2019/1666”, “Regulation 2019/1715”, “Regulation 2019/1793”, “Regulation 2019/1873”, “Regulation 2019/2074”, “Regulation 2019/2122”, “Regulation 2019/2123”, “Regulation 2019/2124”, “Regulation 2019/2126”, “Regulation 2019/2129”, “Regulation 2019/2130”, “Regulation 2020/466” and “Regulation 2020/1158”.”.

(3) In regulation 3 (competent authorities) in paragraph (5) for “Article 148(1) to (4)” substitute “ Article 148 ”.

(4) In regulation 22 (interpretation of this part of these regulations) in the definition of “product”, in paragraph (a) for “47(1)(d), 47(1)(e) and 47(1)(f)” substitute “ Article 47(1)(d), 47(1)(e) or 47(1)(f) ”.

(5) In regulation 29 (checks on products) in each place it occurs, for “45(1) and 45(2)” substitute “ 45(1), 45(2) and 49(1) ”.

(6) In regulation 30 (withdrawal and suspension of border control posts)—

(a) for the heading “withdrawal and suspension of border control posts” substitute “ border control posts ”,

(b) before paragraph (1) insert—

“(A1) The Agency may designate border control posts in relation to products in accordance with Article 59 of Regulation 2017/625 for the purpose of the performance of official controls as specified in Article 47(1) of that Regulation.”, and

(c) in paragraphs (1) and (2) after “border control post” in the first place it occurs in each paragraph insert “ , in relation to products, ”.

(7) In regulation 31 (detention, destruction, special treatment, re-dispatch and other appropriate measures and costs) in paragraph (2) for “Article 66(7), the last paragraph of Article 67 and Article 69(4)” substitute “ Articles 66, 67 and 69 ”.

(8) In regulation 32 (notices in relation to imports of feed and food from third countries pursuant to regulation 31) in paragraph (2) for “will” substitute “ must ”.

(9) In regulation 36 (costs and fees) in paragraph (2) for “Article 80” substitute “ Articles 79(2) (a) and (c) and 80 ”.

(10) In regulation 41 (offences and penalties) in paragraph (1A), for “Article 3 of Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts” substitute “ Article 27 of Commission Implementing Regulation (EU) 2019/628 ”.

(11) For schedule 1 (definitions of [F3Community] legislation) substitute the schedule that is set out in schedule 1 of these Regulations.

(12) For schedule 4 (competent authorities for the purposes of certain provisions of Regulation 2017/625 in so far as they apply in relation to relevant feed law) substitute the schedule that is set out in schedule 2 of these Regulations.

(13) For schedule 5 (competent authorities for the purposes of certain provisions of Regulation 2017/625 in so far as they apply in relation to [F4relevant] food law) substitute the schedule that is set out in schedule 3 of these Regulations.

(14) For schedule 6 (specified import provisions) substitute the schedule that is set out in schedule 4 of these Regulations.

### Textual Amendments

- F1** Words in reg. 4(2)(a) inserted (29.12.2020) by [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(2), **4(2)(a)**
- F2** OJ L 157, 30.4.2004, p.33.
- F3** Word in reg. 4(11) substituted (29.12.2020) by [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(2), **4(2)(b)**
- F4** Word in reg. 4(13) inserted (29.12.2020) by [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(2), **4(2)(c)**

### Commencement Information

- I4** [Reg. 4](#) in force at 30.12.2020, see [reg. 1](#)

### Marginal Citations

- M6** [S.S.I. 2009/446](#), relevantly amended by [S.S.I. 2013/333](#), [S.S.I. 2019/407](#) and prospectively amended by 2020/372.
- M7** OJ L 116, 4.5.2007, p.9.
- M8** OJ L 147, 31.5.2001, p.1.
- M9** OJ L 31, 1.2.2002, p.1.
- M10** OJ L 139, 30.4.2004, p.1.
- M11** OJ L 139, 30.4.2004, p.55.
- M12** OJ L 271, 15.10.2005, p.17.
- M13** OJ L 338, 22.12.2005, p.1.
- M14** OJ L 338, 22.12.2005, p.27.
- M15** OJ L 29, 3.2.2017, p.21.
- M16** OJ L 95, 7.4.2017, p.1.
- M17** OJ L 82, 25.3.2019, p.4.
- M18** OJ L 131, 17.5.2019, p.1.
- M19** OJ L 131, 17.5.2019, p.18.
- M20** OJ L 131, 17.5.2019, p.31.
- M21** OJ L 131, 17.5.2019, p.51.
- M22** OJ L 131, 17.5.2019, p.10.
- M23** OJ L 165, 21.6.2019, p.4.
- M24** OJ L 165, 21.6.2019, p.8.
- M25** OJ L 165, 21.6.2019, p.10.
- M26** OJ L 171, 26.6.2019, p.1.
- M27** OJ L 250, 30.9.2019, p.6.
- M28** OJ L 255, 4.10.2019, p.1.
- M29** OJ L 261, 14.10.2019, p.37.
- M30** OJ L 277, 29.10.2019, p.89.
- M31** OJ L 289, 8.11.2019, p.50.
- M32** OJ L 312, 3.12.2019, p.1.
- M33** OJ L 316, 6.12.2019, p.6.
- M34** OJ L 321, 12.12.2019, p.45.
- M35** OJ L 321, 12.12.2019, p.64.
- M36** OJ L 321, 12.12.2019, p.73.
- M37** OJ L 321, 12.12.2019, p.104.
- M38** OJ L 321, 12.12.2019, p.122.
- M39** OJ L 321, 12.12.2019, p.128.
- M40** OJ L 98, 31.3.2020, p.30-33.
- M41** OJ L 257, 6.8.2020, p.1-13.

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

5. Regulation 10 (suspension of designation of border control post) of the Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011 <sup>M42</sup> is amended in accordance with paragraphs (a) to (d) —

- (a) for the heading “suspension of designation of border control post” substitute “ border control posts ”,
- (b) before paragraph (1) insert—

“(A1) A border control post in relation to relevant products may be designated by the Agency in accordance with Article 59 of Regulation 2017/625 for the purpose of the performance of official controls as specified in Article 47(1) of that Regulation.”, and
- (c) in paragraphs (1) and (2) after “border control post” in the first place it occurs in each paragraph insert “ , in relation to relevant products, ”.

### **Commencement Information**

**I5** [Reg. 5](#) in force at 30.12.2020, see [reg. 1](#)

### **Marginal Citations**

**M42** [S.S.I. 2011/282](#), relevantly amended by [S.S.I. 2019/407](#).

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*JOE FITZPATRICK*  
Authorised to sign by the Scottish Ministers

**Changes to legislation:**

There are currently no known outstanding effects for the The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2020.