SCOTTISH STATUTORY INSTRUMENTS

2019 No. 407

AGRICULTURE

FOOD

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

Made - - - -at 12.45 p.m. on 28th November 2019

Laid before the Scottish Parliament at 4.00 p.m. on 28th November 2019

Coming into force - - 14th December 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) and paragraph 1A of schedule 2 of the European Communities Act 1972(**a**) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for—

(a) any reference to an EU instrument defined in schedule 1 to be construed as a reference to that instrument as any Annex to it is amended from time to time, and

(b) any reference to an EU instrument defined in schedules 3 or 4 to be construed as a reference to that instrument as amended from time to time.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**b**).

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.

(**a**) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) ("the 1998 Act") (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) ("the 2006 Act")). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7) ("the 2008 Act"). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and was relevantly amended by Part 1 of the schedule of the 2008 Act. Section 2(2) and paragraph 1A of schedule 2 are prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) from exit day (see section 20 of that Act).

(**b**) OJ L 31, 1.2.2002, p.1.

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(**a**) 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(**b**)".

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

3.—(1) The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005(**c**) 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 (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(**d**),

"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 (**e**),", and

(b) in paragraph (2)—

(i) omit "Regulation 882/2004 or", in both places where it occurs, and

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(**a**) S.S.I. 2001/38, as amended by S.S.I. 2019/33.
(**b**) OJ L 95, 7.4.2017, p.1.
(**c**) S.S.I. 2005/608.
(**d**) OJ L 95, 7.4.2017, p.1.
(**e**) OJ L 277, 29.10.2019, p.89.

(ii) after "Regulation 183/2005(**a**)", 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", 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)—

(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(**b**) 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(**c**), Regulation 853/2004(**d**), Regulation 2073/2005(**e**), Regulation 2015/1375(**f**), Regulation

(**a**) OJ L 35, 8.2.2005, p.1.
(**b**) S.S.I. 2006/3.
(**c**) OJ L 139, 30.4.2004, p.1.
(**d**) OJ L 139 30.4.2004, p.55.
(**e**) OJ L 338, 22.12.2005, p.1.
(**f**) OJ L 212, 11.8.2015, p.7.

2019/624(**a**), Regulation 2017/625, Regulation 2019/625(**b**), Regulation 2019/627(**c**) and Regulation 2019/628(**d**),", and

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

""Regulation 178/2002(**e**)", "Regulation 852/2004", "Regulation 853/2004", "Regulation 2073/2005", "Regulation 2074/2005(**f**)", "Regulation 931/2011(**g**)", "Regulation 1169/2011(**h**)", "Regulation 28/2012(**i**)", "Regulation 208/2013(**j**)", "Regulation 210/2013(**k**)", "Regulation 579/2014(**l**)", "Regulation 2017/185(**m**)", "Regulation 2017/625(**n**)", "Regulation 2017/2158(**o**)", "Regulation 2019/624", "Regulation 2019/625", "Regulation 2019/626(**p**)", "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—

"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

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(**a**) OJ L 131, 17.5.2019, p.1.
(**b**) OJ L 131, 17.5.2019, p.18.
(**c**) OJ L 131, 17.5.2019, p.51.
(**d**) OJ L 131, 17.5.2019, p.101.
(**e**) OJ L 31, 1.2.2002, p.1.
(**f**) OJ L 338, 22.12.2005, p.27.
(**g**) OJ L 242, 20.9.2011, p.2.
(**h**) OJ L 304, 22.11.2011, p.18.
(**i**) OJ L 12, 14.1.2012, p.1.
(**j**) OJ L 68, 12.3.2013, p.16.
(**k**) OJ L 68, 12.3.2013, p.24.
(**l**) OJ L 160, 29.5.2014, p.14.
(**m**) OJ L 29, 3.2.2017, p. 21.
(**n**) OJ L 95, 7.4.2017, p.1.
(**o**) OJ L 304, 21.11.2017, p.24.
(**p**) OJ L 131, 17.5.2019, p.31.

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(**a**) 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.

(**a**) S.S.I. 2007/537.

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

6.—(1) The Meat (Official Controls Charges) (Scotland) Regulations 2009(**a**) 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 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".

(**a**) S.S.I. 2009/262.

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

7.—(1) The Official Feed and Food Controls (Scotland) Regulations 2009(**a**) 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(**b**)",

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

""Decision 2007/275(**c**)", "Directive 2004/41(**d**)", "Regulation 999/2001(**e**)", "Regulation 178/2002(**f**)", "Regulation 852/2004(**g**)", "Regulation 853/2004(**h**)", "Regulation 1688/2005(**i**)", "Regulation 2073/2005(**j**)", "Regulation 2074/2005(**k**)", "Regulation 2017/185(**l**)", "Regulation 2017/625", "Regulation 2018/329(**m**)", "Regulation 2019/66(**n**)", "Regulation 2019/530(**o**)", "Regulation 2019/626(**p**)", "Regulation 2019/627", "Regulation 2019/628(**q**)", "Regulation 2019/723(**r**)", "Regulation 2019/1013(**s**)", "Regulation 2019/1014(**t**)", "Regulation 2019/1715(**u**)", "Regulation 2019/1793(**v**)", "Regulation 2019/1873(**w**)", "Regulation 2018/631(**x**)", "Regulation 2019/478(**y**)", "Regulation 2019/624", "Regulation 2019/625", "Regulation 2019/1012(**z**)", "Regulation 2019/1081(**aa**)", "Regulation 2019/1602(**bb**)" and "Regulation 2019/1666(**cc**)" 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",

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(**a**) S.S.I. 2009/446.
(**b**) OJ L 95 7.4.2017, p.1.
(**c**) OJ L 116, 4.5.2007, p.9.
(**d**) OJ L 157, 30.4.2004, p.33.
(**e**) OJ L 147, 31.5.2001, p.1.
(**f**) OJ L 31, 1.2.2002, p.1,
(**g**) OJ L 139, 30.4.2004, p.1.
(**h**) OJ L 139, 30.4.2004, p.55.
(**i**) OJ L 68, 12.3.2013, p.24.
(**j**) OJ L 338, 22.12.2005, p.1.
(**k**) OJ L 338, 22.12.2005, p.27.
(**l**) OJ L 29, 3.2.2017, p.21.
(**m**) OJ L 63, 6.3.2018, p.13.
(**n**) OJ L 15, 17.1.2019, p.1.
(**o**) OJ L 88, 29.3.2019, p.19.
(**p**) OJ L 131, 17.5.2019, p.31.
(**q**) OJ L 131, 17.5.2019, p.101.
(**r**) OJ L 124, 13.5.2019, p.1.
(**s**) OJ L 165, 21.6.2019, p.8.
(**t**) OJ L 165, 21.6.2019, p.10.
(**u**) OJ L 261, 14.10.2019, p.37.
(**v**) OJ L 277, 29.10.2019, p.89.
(**w**) OJ L 289, 8.11.2019, p.50.
(**x**) OJ L 105, 25.4.2018, p.1.
(**y**) OJ L 82, 25.3.2019, p.4.
(**z**) OJ L 165, 21.6.2019, p.4.
(**aa**) OJ L 171, 26.6.2019, p.1.
(**bb**) OJ L 250, 30.9.2019, p.6.
(**cc**) OJ L 255, 4.10.2019, p.1.

"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

(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(**a**),",

(**a**) OJ L 116, 4.5.2007, p.9.

(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(**a**) are amended in accordance with paragraph (2).

(**a**) S.S.I. 2010/354.

(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(**a**)".

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(**b**)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(**c**)".

(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".

(**a**) OJ L 95, 7.4.2017, p.1.
(**b**) S.S.I. 2011/282.
(**c**) OJ L 95, 7.4.2017, p.1.

(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 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 (**a**) 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".

JOE FITZPATRICK
Authorised to sign by the Scottish Ministers

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

(**a**) S.S.I. 2013/84.

SCHEDULE 1

Regulation 4(4)

"SCHEDULE 1

DEFINITIONS OF EU LEGISLATION

"Regulation 178/2002" means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**a**) as read with Regulation 931/2011 and Regulation 208/2013,

"Regulation 852/2004" means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**b**) as read with Regulation 2073/2005 and Regulation 210/2013,

"Regulation 853/2004" means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**c**),

"Regulation 2073/2005" means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(**d**),

"Regulation 2074/2005" means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**e**),

"Regulation 931/2011" means Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin(**f**),

"Regulation 1169/2011" means Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No. 1924/2006 and (EC) No. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004(**g**),

"Regulation 28/2012" means Commission Regulation (EU) No. 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No. 1162/2009(**h**) as read with Regulation 853/2004,

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(**a**) OJ L 31, 1.2.2002, p.1.
(**b**) OJ L 139, 30.4.2004, p.1.
(**c**) OJ L 139, 30.4.2004, p.55.
(**d**) OJ L 338, 22.12.2005, p.1.
(**e**) OJ L 338, 22.12.2005, p.27.
(**f**) OJ L 242, 20.9.2011, p.2.
(**g**) OJ L 304, 22.11.2011, p.18.
(**h**) OJ L 12, 14.1.2012, p.1.

"Regulation 208/2013" means Commission Implementing Regulation (EU) No. 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts(**a**),

"Regulation 210/2013" means Commission Regulation (EU) No. 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No. 852/2004 of the European Parliament and of the Council(**b**),

"Regulation 579/2014" means Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea(**c**),

"Regulation 2017/185" means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council(**d**),

"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 (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(**e**) as read with Regulation 2074/2005, Regulation 2017/185, Regulation 2019/624, Regulation 2019/625, Regulation 2019/626, Regulation 2019/627 and Regulation 2019/628,

"Regulation 2017/2158" means Commission Regulation (EU) 2017/2158 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food(**f**),

"Regulation 2019/624" means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(**g**),

"Regulation 2019/625" means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption(**h**),

"Regulation 2019/626" means Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists(**i**),

"Regulation 2019/627" means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with

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(**a**) OJ L 68, 12.3.2013, p.16.
(**b**) OJ L 68, 12.3.2013, p.24.
(**c**) OJ L 160, 29.5.2014, p.14.
(**d**) OJ L 29, 3.2.2017, p.21.
(**e**) OJ L 95, 7.4.2017, p.1.
(**f**) OJ L 304, 21.11.2017, p.24.
(**g**) OJ L 131, 17.5.2019, p.1.
(**h**) OJ L 131, 17.5.2019, p.18.
(**i**) OJ L 131, 17.5.2019, p.31.

Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls(**a**),

"Regulation 2019/628" means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No. 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates(**b**)."

(**a**) OJ L 131, 17.5.2019, p.51.
(**b**) OJ L 131, 17.5.2019, p.101.

SCHEDULE 2

Regulation 5(8)

"THE SCHEDULES

DEFINITIONS OF COMMUNITY LEGISLATION

"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(**a**),

"Regulation 2406/96" means Council Regulation (EC) No. 2406/96 laying down common marketing standards for certain fishery products(**b**),

"Regulation 852/2004" means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**c**) as read with Regulation 2073/2005(**d**),

"Regulation 853/2004" means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**e**) as read with Directive 2004/41, Regulation 1688/2005 and Regulation 2074/2005 and Regulation 2017/185,

"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(**f**),

"Regulation 2073/2005" means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(**g**),

"Regulation 2074/2005" means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**h**),

"Regulation 2017/185" means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council(**i**),

"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 (EU) 2016/2031 of the European Parliament and of the

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(**a**) OJ L 157, 30.4.2004, p.33.
(**b**) OJ L 334, 23.12.1996, p.1.
(**c**) OJ L 139, 30.4.2004, p.1.
(**d**) OJ L 139, 30.4.2004, p.1.
(**e**) OJ L 139, 30.4.2004, p.55.
(**f**) OJ L 271, 15.10.2005, p.17.
(**g**) OJ L 338, 22.12.2005, p.1.
(**h**) OJ L 338, 22.12.2005, p.27.
(**i**) OJ L 29, 3.2.2017, p.21.

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(**a**) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185,

"Regulation 2019/624" means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(**b**) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185,

"Regulation 2019/627" means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls(**c**) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185."

(**a**) OJ L 95, 7.4.2017, p.1.
(**b**) OJ L 131, 17.5.2019, p.1.
(**c**) OJ L 131, 17.5.2019, p.51.

SCHEDULE 3

Regulation 6(3)

"SCHEDULE 1

DEFINITIONS OF COMMUNITY LEGISLATION

"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(**a**),

"Regulation 178/2002" means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**b**),

"Regulation 852/2004" means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**c**) as read with Regulation 2073/2005,

"Regulation 853/2004" means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**d**) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005, and Regulation 2017/185,

"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(**e**),

"Regulation 2073/2005" means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(**f**),

"Regulation 2074/2005" means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**g**),

"Regulation 2015/1375" means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat(**h**),

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(**a**) OJ L 157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ L 195, 2.6.2004, p.12).
(**b**) OJ L 31, 1.2.2002, p.1.
(**c**) OJ L 139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ L 226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ L 204, 4.8.2007, p.26).
(**d**) OJ L 139, 30.4.2004, p.55.
(**e**) OJ L 271, 15.10.2005, p.17.
(**f**) OJ L 338, 22.12.2005, p.1.
(**g**) OJ L 338, 22.12.2005, p.27.
(**h**) OJ L 212, 11.8.2015, p.7.

"Regulation 2017/185" means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council(**a**),

"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 (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(**b**) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185,

"Regulation 2019/624" means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(**c**) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185,

"Regulation 2019/627" means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls(**d**) as read with Directive 2004/41, Regulation 2074/2005, 2015/1375 and Regulation 2017/185."

(**a**) OJ L 29, 3.2.2017, p.21.
(**b**) OJ L 95, 7.4.2017, p.1.
(**c**) OJ L 131, 17.5.2019, p.1.
(**d**) OJ L 131, 17.5.2019, p.51.

SCHEDULE 4

Regulation 7(23)

"SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

"Decision 2007/275" means 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(**a**),

"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**),

"Regulation 999/2001" means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(**c**),

"Regulation 178/2002" means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**d**),

"Regulation 852/2004" means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**e**) as read with Regulation 2073/2005,

"Regulation 853/2004" means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**f**) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2017/185,

"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(**g**),

"Regulation 2073/2005" means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(**h**),

"Regulation 2074/2005" means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**i**),

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(**a**) OJ L 116, 4.5.2007, p.9.
(**b**) OJ L 157, 30.4.2004, p.33.
(**c**) OJ L 147, 31.5.2001, p. 1.
(**d**) OJ L 31, 1.2.2002, p.1.
(**e**) OJ L 139, 30.4.2004, p.1.
(**f**) OJ L 271, 15.10.2005, p.17.
(**g**) OJ L 139, 30.4.2004, p.55.
(**h**) OJ L 338, 22.12.2005, p.1.
(**i**) OJ L 338, 22.12.2005, p.27.

"Regulation 2017/185" means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council(**a**),

"Regulation 2017/185" means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council(**b**),

"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(**c**), 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(**d**) as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package.

The Regulation 2017/625 package

Implementing Regulations

"Regulation 2018/329" means Commission Implementing Regulation (EU) 2018/329 designating a European Union Reference Centre for Animal Welfare(**e**),

"Regulation 2019/66" means Commission Implementing Regulation (EU) 2019/66 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods(**f**),

"Regulation 2019/530" means Commission Implementing Regulation (EU) 2019/530 designating European Union reference laboratories for pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, viruses, viroids, and phytoplasmas(**g**),

"Regulation 2019/626" means Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists(**h**),

"Regulation 2019/627" means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls(**i**),

"Regulation 2019/628" means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates(**j**),

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(**a**) OJ L 29, 3.2.2017, p. 21.
(**b**) OJ L 29, 3.2.2017, p.21.
(**c**) OJ L 95, 7.4.2017, p.1.
(**d**) OJ L 95, 7.4.2017, p.1.
(**e**) OJ L 63, 6.3.2018, p.13.
(**f**) OJ L 17.1.2019, p.1.
(**g**) OJ L 88, 29.3.2019, p.19.
(**h**) OJ L 131, 17.5.2019, p.31.
(**i**) OJ L 131, 17.5.2019, p.51.
(**j**) OJ L 131, 17.5.2019, p.101.

"Regulation 2019/723" means Commission Implementing Regulation (EU) 2019/723 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the standard model form to be used in the annual reports submitted by Member States(**a**),

"Regulation 2019/1013" means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union(**b**),

"Regulation 2019/1014" means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points(**c**),

"Regulation 2019/1715" means Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components(**d**),

"Regulation 2019/1793" means Commission Implementing 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(**e**),

"Regulation 2019/1873" means Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products(**f**),

Delegated Regulations

"Regulation 2018/631" means Commission Delegated Regulation (EU) 2018/631 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by establishing European Union reference laboratories for pests of plants(**g**),

"Regulation 2019/478" means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts(**h**),

"Regulation 2019/624" means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council(**i**),

"Regulation 2019/625" means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption(**j**),

"Regulation 2019/1012" means Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the

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(**a**) OJ L 124 13.5.2019, p.1
(**b**) OJ L 165, 21.6.2019, p.8.
(**c**) OJ L 165, 21.6.2019, p.10.
(**d**) OJ L 261, 14.10.2019, p.37.
(**e**) OJ L 277, 29.10.2019, p.89.
(**f**) OJ L 289, 8.11.2019, p.50.
(**g**) OJ L 105, 25.4.2018, p.1.
(**h**) OJ L 82, 25.3.2019, p.4.
(**i**) OJ L 131, 17.5.2019, p.1.
(**j**) OJ L 165, 21.6.2019, p.4.

Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts(**a**),

"Regulation 2019/1081" means Commission Delegated Regulation (EU) 2019/1081 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts(**b**),

"Regulation 2019/1602" means Commission Delegated Regulation (EU) 2019/1602 concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination(**c**),

"Regulation 2019/1666" means Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union(**d**)."

(**a**) OJ L 131, 17.5.2019, p.18.
(**b**) OJ L 171, 26.6.2019, p.1.
(**c**) OJ L 250, 30.9.2019, p.6.
(**d**) OJ L 255, 4.10.2019, p.1.

SCHEDULE 5 Regulation 7(24)

"SCHEDULE 4 Regulation 3(1)

COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FEED LAW

Column 1 **Competent authority**	**Column 2** **Provisions of Regulation 2017/625**
The Agency	Articles 4(2)(a), 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, , 42, 63, 75, 76, 78, , 86, 88, 89, 91, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 130, 133, 135, 137, 138.
The feed authority	Articles 4(2)(a), 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 28, 29, 30, 31, 32, 33, 35, 36, 38, 44, 45, 46, 47, 49, 50, 55, 56, 57, 63, 65, 66, 67, 68, 69, 71, 72, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116, 130, 133, 135, 137, 138."

SCHEDULE 6 Regulation 7(25)

"SCHEDULE 5 Regulation 3(3)

COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW

Column 1 **Competent authority**	**Column 2** **Provisions of Regulation 2017/625**
The Agency	Articles 4(2)(a), 5, 6, 7, 8, 9, 10, 11, 12, 13, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 44, 45, 46, 63, 65, 66, 67, 68, 69, 71, 72, 7576,78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115,116, 130, 133, 135, 137, 138, 148.
The food authority	Articles 4(2)(a), 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 28, 29, 30, 31, 32, 33, 35, 36, 38, 42, 44, 45, 46,47, 49, 50,55, 56, 57, 63, 65, 66, 67, 68, 69, 71, 72, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 130, 133, 135, 137, 138, 148."

SCHEDULE 7 Regulation 7(26)

"SCHEDULE 6 Regulations 22 and 41(1)(a)

SPECIFIED IMPORT PROVISIONS

Column 1 **Provisions of EU legislation**	**Column 2** **Requirement**
Article 1 of Regulation 2019/1013	Requirement that the operator responsible for a consignment give prior notification to the competent authority of the border control post of first arrival into the Union, at least one working day before the expected arrival of the consignment.
Article 3(1) of Regulation 2019/1666	Requirement that the operator responsible for the consignment is to, within one day upon arrival of the consignment, inform the competent authority responsible for performing the official controls at the establishment at the place of destination of the arrival of the consignment.
Article 3 of Regulation 2019/1602	Requirement that a CHED is to accompany each consignment irrespective of whether or not it is split at the border control post or subsequent to leaving the border control post.
Article 4(a) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies the consignment to the place of destination and until it is released into free circulation.
Article 4(b) of Regulation 2019/1602	Requirement that where a consignment is not split before being released for free circulation, the operator responsible for the consignment is to indicate the reference number of the CHED in the customs declaration lodged with the customs authorities and is to keep a copy of the CHED at the disposal of the customs authorities.
Article 5(1)(a) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, when giving prior notification, the operator responsible for the consignment is to declare the border control post as the place of destination in the CHED for the entire consignment.
Article 5(1)(b) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to request that the consignment be split and is to submit, through the IMSOC a CHED for each

	part of the split consignment and make a declaration.
Article 5(1)(d) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to ensure that a copy of the CHED for each part of the split consignment accompanies the relevant part to the place of destination and until it is released into free circulation.
Article 5(1)(e) of Regulation 2019/1602	Requirement that where a consignment is to be split at the border control post, the operator responsible for the consignment is to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.
Article 5(2)(a) of Regulation 2019/1602	Requirement that where a non-compliant consignment is to be split at the border control post, upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment is to submit a CHED for each part of the split consignment and make a declaration.
Article 6(a) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to ensure that a copy of the CHED accompanies each part of the split consignment until it is released for free circulation.
Article 6(b) of Regulation 2019/1602	Requirement that where a consignment is to be split after leaving the border control post and before being released for free circulation, the operator responsible for the consignment is to to indicate the reference number of the CHED for each part of the split consignment in the customs declaration lodged with the customs authorities and is to keep a copy of that CHED at the disposal of the customs authorities.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001, the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, the Food Hygiene (Scotland) Regulations 2006, the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007, the Meat (Official Controls Charges) (Scotland) Regulations 2009, the Feed (Sampling and Analysis and Specified Undesirable Substances) (Scotland) Regulations 2010, Official Feed and Food Controls (Scotland) Regulations 2009, the Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011, and the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013, by updating references to EU legislation that has been revoked and replaced by 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 and the Delegated Regulations and Implementing Regulations made under that Regulation.

A full Business and Regulatory Impact Assessment of the effect that these Regulations will have on the costs of business and food authorities has been prepared and placed in the Scottish Parliament Information Centre.

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