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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 53**

**EXITING THE EUROPEAN UNION  
FOOD**

**The Food Composition, Labelling and Standards (EU  
Exit) (Scotland) (Amendment) Regulations 2019**

*Made - - - - 18th February 2019*  
*Laid before the Scottish*  
*Parliament - - - - 19th February 2019*  
*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 1(1) and (3) of schedule 2 the European Union (Withdrawal) Act 2018<sup>(1)</sup> and all other powers enabling them to do so.

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.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Food Composition, Labelling and Standards (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force on exit day.

(2) These Regulations extend to Scotland only.

**Amendment of the Quick-frozen Foodstuffs Regulations 1990**

2. In regulation 5(3)(b) (labelling of quick-frozen foodstuffs) of the Quick-frozen Foodstuffs Regulations 1990<sup>(2)</sup> for “European Union” substitute “United Kingdom”.

**Amendment of the Food (Lot Marking) Regulations 1996**

3.—(1) The Food (Lot Marking) Regulations 1996<sup>(3)</sup> are amended as follows.

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(1) 2018 c.16.

(2) S.I. 1990/2615, as amended by S.I. 1992/2596, S.I. 1994/298, S.S.I. 2007/106, S.I. 2011/1043 and S.S.I. 2014/312.

(3) S.I. 1996/1502, as amended by S.I. 2011/1043 and 2014/312.

(2) In regulation 2 (interpretation) omit the definition of “first seller established within the European Union”.

(3) In regulation 3(2)(a) (lot marking requirement) for “European Union” substitute “United Kingdom”.

#### **Amendment of the Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008**

4.—(1) The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008(4) are amended as follows.

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

(a) omit the definition of “EU provision”, and

(b) after the definition of “sell by retail” insert—

““specified provisions” means those provisions listed in regulation 6(2);”.

(3) In regulation 5 (enforcement) for “EU provisions” substitute “specified provisions”.

(4) In regulation 6 (offences and penalty)—

(a) in sub-paragraph (1)(b) for “EU” substitute “specified”, and

(b) in sub-paragraph (2) for “EU” substitute “specified”.

(5) In regulation 7(2) (application of various provisions of the Act) for “EU” substitute “specified”.

#### **Amendment of the Fish Labelling (Scotland) Regulations 2013**

5.—(1) The Fish Labelling (Scotland) Regulations 2013(5) are amended as follows.

(2) In regulation 3 (consumer information and traceability requirements)—

(a) in paragraph (3) for “Article 67(1) to (3) and (5) to (13) of Regulation 404/2011” substitute “Article 67(1) to (3), (5) to (7) and (9) to (13) of Regulation 404/2011”, and

(b) in paragraphs (6) and (7) for “the sterling equivalent of 50 euros” substitute “£45”.

#### **Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013**

6.—(1) The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013(6) are amended as follows.

(2) In regulation 8(b) for “European Union” substitute “United Kingdom”.

(3) In regulation 12 (1)(d) for “territory of the EU” substitute “United Kingdom”.

(4) In regulation 13 (competent authorities) omit “competent” and in the heading for “Competent authorities” substitute “Authority”.

(5) In schedule 1 (specified provisions of Regulation 1333/2008) in the entries for Article 26.1 and Article 26.2 in the second column for “Commission” substitute “Authority”.

(6) In schedule 2 (specified provisions of Regulation 1334/2008) in the entries for Article 19.2 and Article 19.3 in the second column for “Commission” substitute “Authority”.

(7) In schedule 3 (specified provisions of Regulation 2065/2003) in the entry for Article 9.5 in the second column for “Commission” substitute “Authority”.

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(4) [S.S.I. 2008/216](#) amended by [S.I. 2011/1043](#), [2012/1809](#) and [2013/3235](#).

(5) [S.S.I. 2013/256](#) last amended by [S.S.I. 2015/48](#).

(6) [S.S.I. 2013/266](#) amended by [S.S.I. 2014/312](#) and [2015/100](#).

(8) In schedule 4 (specified provisions of Regulation 1332/2008) in the entries for Article 14.1 and Article 14.2 in the second column for “Commission” substitute “Authority”.

St Andrew’s House,  
Edinburgh  
18th February 2019

*JOE FITZPATRICK*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made).

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (as defined in section 8(2) and (3) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of food composition, food labelling and food standards in relation to Scotland.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.