

2003 No. 413

FOOD

**The Food (Figs, Hazelnuts and Pistachios from Turkey)
(Emergency Control) (Scotland) Amendment
Regulations 2003**

<i>Made</i>	<i>8th September 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>9th September 2003</i>
<i>Coming into force</i>	<i>30th September 2003</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) Amendment Regulations 2003 and shall come into force on 30th September 2003.

(2) These Regulations extend to Scotland only.

Amendment to the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) (No. 2) Regulations 2002

2.—(1) The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) (No. 2) Regulations 2002(b) are amended in accordance with paragraphs (2) and (3).

(2) In Regulation 2 (Interpretation)—

(a) for the definition of “the Commission Decision” substitute—

““the Commission Decision” means Commission Decision 2002/80/EC(c) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived from figs, hazelnuts and pistachios originating in or consigned from Turkey, as amended by Commission Decision 2002/233/EC(d), Commission Decision 2002/679/EC(e) and Commission Decision 2003/552/EC(f);” and

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the 1972 Act, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2002/424.

(c) O.J. No. L 34, 5.2.02, p.26.

(d) O.J. No. L 78, 21.3.02, p.14.

(e) O.J. No. L 229, 27.8.02, p.37.

(f) O.J. No. L 187, 26.7.03, p.47.

- (b) in the definition of “Turkish figs, hazelnuts and pistachios”–
 - (i) in sub-paragraph (d) omit “and” in the second place where it occurs; and
 - (ii) after sub-paragraph (f) insert–
 - “; and
 - (g) flour, meal and powder of hazelnuts, figs and pistachios falling within CN code 1106 30 90”.
- (3) In Regulation 4(3) (Enforcement)–
 - (a) in sub-paragraph (a) delete “and” in the second place it occurs; and
 - (b) after sub-paragraph (b) insert–
 - “; and
 - (c) Article 1.7 of the Commission Decision (which provision is concerned with the case where consignments are split)”.

St Andrew’s House,
Edinburgh
8th September 2003

TOM McCABE
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) (No. 2) Regulations 2002 (S.S.I. 2002/424) (“the principal Regulations”).

The principal Regulations implement Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey (O.J. No. L 34, 5.2.2002, p.26) as amended by Commission Decision 2002/233/EC (O.J. No. L 78, 21.3.2002, p.14) and Commission Decision 2002/679/EC (O.J. No. L 229, 27.8.2002, p.37).

These Regulations implement Commission Decision 2003/552/EC (O.J. No. L 187, 26.7.2003, p.47) which further amends Commission Decision 2002/80/EC.

The principal changes effected by these Regulations are that–

- (a) the definition of Turkish figs, hazelnuts and pistachios is amended to include flour, meal and powder of hazelnuts, figs and pistachios;
- (b) the period for which consignments subject to sampling and analysis may be detained is increased from 10 to 15 working days; and
- (c) where a consignment is split, copies of the health certificate and analysis certificate must accompany each part of the consignment (Regulation 2).

No regulatory impact assessment has been prepared in relation to these Regulations.

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