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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 210**

**FOOD**

**The Food (Emergency Control) (Scotland)  
(Miscellaneous Amendments) Regulations 2004**

<i>Made</i>	- - - -	<i>6th May 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th May 2004</i>
<i>Coming into force</i>	- -	<i>31st May 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Food (Emergency Control) (Scotland) (Miscellaneous Amendments) Regulations 2004 and shall come into force on 31st May 2004.

**Amendment to the Food (Peanuts from China) (Emergency Control) (Scotland) (No. 2) Regulations 2002**

2. In regulation 2(1) (interpretation) of the Food (Peanuts from China) (Emergency Control) (Scotland) (No. 2) Regulations 2002<sup>(2)</sup> for the definition of “the Commission Decision” substitute—

““the Commission Decision” means Commission Decision [2002/79/EC](#) imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China<sup>(3)</sup> as amended by Commission Decision [2002/233/EC](#)<sup>(4)</sup>, Commission Decision [2002/678/EC](#)<sup>(5)</sup>, Commission Decision [2003/550/EC](#)<sup>(6)</sup> and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community”.

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(1) 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.

(2) [S.S.I. 2002/425](#) as amended by [S.S.I. 2003/419](#).

(3) O.J. No. L 34, 5.2.02, p.21.

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

(5) O.J. No. L 229, 27.8.02, p.33.

(6) O.J. No. L 187, 26.7.03, p.39.

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

3. In regulation 2(1) (interpretation) of the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) (No. 2) Regulations 2002(7) for the definition of “the Commission Decision” substitute–

““the Commission Decision” means Commission Decision [2002/80/EC](#) 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(8) as amended by Commission Decision [2002/233/EC](#)(9), Commission Decision [2002/679/EC](#)(10), Commission Decision [2003/552/EC](#)(11), and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community;”.

### **Amendment to the Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003**

4. In regulation 2(a) (interpretation) of the Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003(12) for the definition of “the Commission Decision” substitute–

““the Commission Decision” means Commission Decision [2003/493/EC](#) imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil(13) as amended by the Commission Decision of 29th April 2004 amending Decision [2003/493/EC](#) as regards the points of entry through which Brazil nuts in shell originating in or consigned from Brazil may only be imported into the Community;”.

### **Amendment to the Food (Pistachios from Iran) (Emergency Control) (Scotland) Regulations 2003**

5. In regulation 2(1) (interpretation) of the Food (Pistachios from Iran) (Emergency Control) (Scotland) Regulations 2003(14) for the definition of “the Commission Decision” substitute–

““the Commission Decision” means Commission Decision [97/830/EC](#) repealing Commission Decision [97/613/EC](#) and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran(15) as amended by Commission Decision [98/400/EC](#)(16), Commission Decision [2000/238/EC](#)(17), Commission Decision [2003/551/EC](#)(18) and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community;”.

(7) [S.S.I. 2002/424](#), amended by [S.S.I. 2003/413](#).

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

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

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

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

(12) [S.S.I. 2003/396](#) as amended by [S.S.I. 2003/558](#).

(13) O.J. No. L 168, 5.7.03, p.33.

(14) [S.S.I. 2003/414](#).

(15) O.J. No. L 343, 13.12.97, p.30.

(16) O.J. No. L 176, 20.6.98, p.37.

(17) O.J. No. L 75, 24.3.00, p.59.

(18) O.J. No. L 187, 26.7.03, p.43.

## **Amendment to the Food (Peanuts from Egypt) (Emergency Control) (Scotland) Regulations 2003**

6. In regulation 2(1) (interpretation) of the Food (Peanuts from Egypt) (Emergency Control) (Scotland) Regulations 2003(19) for the definition of “the Commission Decision” substitute–

““the Commission Decision” means Commission Decision [2000/49/EC](#) repealing Decision [1999/356/EC](#) and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt(20) as amended by Commission Decision [2003/580/EC\(21\)](#) and the Commission Decision of 29th April 2004 amending Decisions [97/830/EC](#), [2000/49/EC](#), [2002/79/EC](#) and [2002/80/EC](#) as regards the points of entry through which the products concerned may only be imported into the Community;”.

St Andrew’s House, Edinburgh  
6th May 2004

*TOM McCABE*  
Authorised to sign by the Scottish Ministers

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(19) [S.S.I. 2003/418](#).

(20) O.J. No. L 19, 25.1.00, p.46.

(21) O.J. No. L 197, 5.8.03, p.31.

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## EXPLANATORY NOTE

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

1. These Regulations amend—
  - (a) the Food (Peanuts from China) (Emergency Control) (Scotland) (No. 2) Regulations 2002 (S.S.I. 2002/425 as amended by S.S.I. 2003/419), the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Scotland) (No. 2) Regulations 2002 (S.S.I. 2002/424 as amended by S.S.I. 2003/413), the Food (Pistachios from Iran) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/414) and the Food (Peanuts from Egypt) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/418) to implement in relation to Scotland the Commission Decision of 29th April 2004 amending Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community (regulations 2, 3, 5 and 6); and
  - (b) the Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396 as amended by S.S.I. 2003/558) to implement in relation to Scotland the Commission Decision of 29th April 2004 amending Decision 2003/493/EC as regards the points of entry through which Brazil nuts in shell originating in or consigned from Brazil may only be imported into the Community (regulation 4).
2. Each instrument that is amended by these Regulations implements in relation to Scotland a Commission Decision imposing special conditions on the import of a certain type of food.
3. Each of those instruments provides that the food concerned may only be imported into the European Community through certain points of entry listed in the relevant Decision.
4. Those points of entry are revised by the Decisions that are implemented by these Regulations to include points of entry in the member states joining the Community on 1st May 2004 and to remove certain permitted points of entry including Grangemouth. These Regulations amend the above instruments to provide for the revised permitted points of entry.
5. No regulatory impact assessment has been prepared in relation to these Regulations.