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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 338**

**FOOD**

**The Bovine Products (Restriction on Placing on the Market) (Scotland) (No. 2) Amendment Regulations 2007**

<i>Made</i>	- - - -	<i>25th June 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>26th June 2007</i>
<i>Coming into force</i>	- -	<i>27th June 2007</i>

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

**Citation, commencement and extent**

**1.** These Regulations—

- (a) may be cited as the Bovine Products (Restriction on Placing on the Market) (Scotland) (No. 2) Amendment Regulations 2007;
- (b) come into force on 27th June 2007; and
- (c) extend to Scotland only.

**Amendments to the Bovine Products (Restriction on Placing on the Market) (Scotland) (No. 2) Regulations 2005**

**2.—(1)** The Bovine Products (Restriction on Placing on the Market) (Scotland) (No. 2) Regulations 2005(2) are amended in accordance with paragraphs (2) and (3).

**(2)** In regulation 2 (interpretation)—

- (a) for the definitions of Community instruments appearing immediately after the definition of “cutting up” substitute—  
““Decision 2007/411”, “Directive 2004/41”, “Regulation 999/2001”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation

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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 function conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not so transferred, and in so far as exercisable in relation to food (including drink) including the primary production of food, that function was transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I.2005/849).

(2) S.S.I. 2005/586.

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854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, Regulation 2075/2005”, “Regulation 2076/2005”, “Regulation 575/2006”, “Regulation 1664/2006”, “Regulation 1665/2006”, Regulation 1666/2006”, “Regulation 1791/2006” and “Regulation 1923/2006” have the meanings respectively given to them in the Schedule;”;

(b) in the combined definition of “material” and “product” for “Decision [2005/598/EC](#)” substitute “Decision 2007/411”.

(3) For the Schedule (definitions of Community legislation) substitute the Schedule set out in the Schedule to these Regulations.

St Andrew’s House,  
Edinburgh  
25th June 2007

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Regulation 2(3)

### SCHEDULE SUBSTITUTED FOR THE SCHEDULE TO THE BOVINE PRODUCTS (RESTRICTION ON PLACING ON THE MARKET) (SCOTLAND) (NO. 2) REGULATIONS 2005

#### “SCHEDULE

Regulation 2

#### DEFINITIONS OF COMMUNITY LEGISLATION

“Decision 2007/411” means Commission Decision [2007/411/EC](#) prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation [\(EC\) No. 999/2001](#) and repealing Decision [2005/598/EC](#)(3);

“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](#)(4);

“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(5) as last amended by Regulation 1923/2006;

“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(6) as last amended by Regulation 575/2006;

“Regulation 852/2004” means Regulation [\(EC\) No. 852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs(7) 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(8) as last amended by Regulation 1791/2006 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation [\(EC\) No. 854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(9) as last amended by Regulation 1791/2006 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation [\(EC\) No. 882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with

(3) O.J. No. L 155, 15.6.2007, p.74.

(4) O.J. No. L 157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (O.J. No. L 195, 2.6.2004, p.12).

(5) O.J. No. L 147, 31.5.2001, p.1.

(6) O.J. No. L 31, 1.2.2002, p.1.

(7) O.J. No. L 139, 30.4.2004, p.1. The revised text of Regulation [\(EC\) No. 852/2004](#) is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p.3).

(8) O.J. No. L 139, 30.4.2004, p.55. The revised text of Regulation [\(EC\) No. 853/2004](#) is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22).

(9) O.J. No. L 139, 30.4.2004, p.206. The revised text of Regulation [\(EC\) No. 854/2004](#) is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p.83).

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feed and food law, animal health and animal welfare rules(10) as last amended by Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005;

“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(11);

“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(12);

“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(13) as amended by Regulation 1664/2006;

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(14) as amended by Regulation 1665/2006;

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(15) as amended by Regulation 1666/2006;

“Regulation 575/2006” means Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority(16);

“Regulation 1664/2006” means Commission Regulation (EC) No. 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(17);

“Regulation 1665/2006” means Commission Regulation (EC) No. 1665/2006 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(18);

“Regulation 1666/2006” means Commission Regulation (EC) No. 1666/2006 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2006, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council(19);

(10) O.J. No. L 165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.2004, p.1).

(11) O.J. No. L 271, 15.10.2005, p.17.

(12) O.J. No. L 338, 22.12.2005, p.1, as read with the corrigenda at O.J. No. L 278, 10.10.2006, p.32 and O.J. No. L 283, 14.10.2006, p.62.

(13) O.J. No. L 338, 22.12.2005, p.27.

(14) O.J. No. L 338, 22.12.2005, p.60.

(15) O.J. No. L 338, 22.12.2005, p.83.

(16) O.J. No. L 100, 8.4.2006, p.3.

(17) O.J. No. L 320, 18.11.2006, p.13.

(18) O.J. No. L 320, 18.11.2006, p.46.

(19) O.J. No. L 320, 18.11.2006, p.47.

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania<sup>(20)</sup>; and

“Regulation 1923/2006” means Regulation (EC) No. 1923/2006 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>(21)</sup>.”.

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## EXPLANATORY NOTE

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

These Regulations amend the Bovine Products (Restriction on Placing on the Market) (Scotland) (No. 2) Regulations 2005 by—

- (a) updating the definitions of certain Community instruments that are referred to in those Regulations (*regulation 2(2)(a), (3) and the Schedule*); and
- (b) substituting a reference to a Commission Decision in those Regulations (*regulation 2(2)(b)*).

The Bovine Products (Restriction on Placing on the Market) (Scotland) (No. 2) Regulations 2005 gave effect in relation to Scotland to Article 1(1) of Commission Decision 2005/598/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 (O.J. No. L 204, 5.8.2005, p.22). Article 1(1) of Commission Decision 2005/598/EC provided that certain products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 could not be placed on the market.

Commission Decision 2005/598/EC has now been repealed and replaced by Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC.

Article 1(1) of Commission Decision 2007/411/EC is in identical terms to Article 1(1) of Commission Decision 2005/598/EC and the Bovine Products (Placing on the Market) (Scotland) (No. 2) Regulations 2005 as amended by these Regulations give effect in relation to Scotland to Article 1(1) of Commission Decision 2007/411/EC.

No full regulatory assessment has been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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<sup>(20)</sup> O.J. No. L 363, 20.12.2006, p.1.

<sup>(21)</sup> O.J. No. L 404, 30.12.2006, p.1.

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