
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 91

**The Official Controls (Animals, Feed
and Food) (Scotland) Regulations 2007**

Part 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007, and shall come into force on 15th March 2007.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 2005 Regulations” means the Official Feed and Food Controls (Scotland) Regulations 2005⁽¹⁾;

“audit” means, except in regulation 10, an audit of a competent authority carried out for the purposes of Article 4.6 of Regulation 882/2004 in relation to one or more pieces of relevant legislation;

“auditor” means a person carrying out such an audit;

“authorised officer” means a person authorised by the competent authority of a member State for the purposes of enforcing Regulation 882/2004;

“the food authority” in relation to any relevant legislation for which a designation is made under these Regulations has the same meaning as it has in that relevant legislation;

“inspector” means in relation to any relevant legislation, an inspector, veterinary officer, or other officer authorised by the Scottish Ministers or other authority to act in Scotland under that relevant legislation;

“the local authority” in relation to any relevant legislation for which a designation is made under these Regulations has the same meaning as it has in that relevant legislation;

“premises” means premises or other property, place or means of transport;

“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 feed and food law, animal health and animal welfare rules⁽²⁾, as read with—

(a) Commission Decision 2006/677 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and

⁽¹⁾ S.S.I. 2005/616.

⁽²⁾ O.J. No. L 165, 30.4.2004, p.1; see the corrected text as set out in the corrigendum to the Regulation published in O.J. No. L 191, 28.5.2004, p.1. Amended by Commission Regulation (EC) No. 776/2006 (O.J. No. L 136, 24.5.2006, p.3.).

of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules⁽³⁾;

- (b) 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⁽⁴⁾;
 - (c) 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⁽⁵⁾; and
 - (d) 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.
- (2) In these Regulations, “relevant legislation” means feed law and food law to which Regulation 882/2004 applies and animal health and welfare rules, except–
- (a) “relevant feed law” and “relevant food law” as defined in the 2005 Regulations;
 - (b) the application of the rules laid down for the protection of designations of origin and geographical indications of agricultural products and foodstuffs in Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽⁶⁾;
 - (c) the application of the rules laid down for Community certificates of specific character which may be obtained for certain agricultural products and foodstuffs in Council Regulation (EEC) No. 509/2006 on certificates of specific character for agricultural products and foodstuffs as traditional specialities guaranteed⁽⁷⁾;
 - (d) the regulation of organic products under the Organic Products (Imports from Third Countries) Regulations 2003⁽⁸⁾ and the Organic Products Regulations 2004⁽⁹⁾;
 - (e) the regulation of residues of veterinary medicines and other substances under the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997⁽¹⁰⁾;
 - (f) the regulation of residues of pesticides under the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005⁽¹¹⁾; and
 - (g) the Veterinary Medicines Regulations 2006⁽¹²⁾ in so far as they regulate zootechnical additives and medicated feedingstuffs.
- (3) In paragraph (2)(g)–

⁽³⁾ O.J. No. L 278, 10.10.2006, p.15.

⁽⁴⁾ O.J. No. L 338, 22.12.2005, p.27, as amended by Commission Regulation (EC) No. 1664/2006 (O.J. No. L 320, 18.11.2006, p.13).

⁽⁵⁾ O.J. No. L 338, 22.12.2005, p.83, as amended by Commission Regulation (EC) No. 1664/2006 (O.J. No. L 320, 18.11.2006, p.13).

⁽⁶⁾ O.J. No. L 93, 31.3.2006, p.12.

⁽⁷⁾ O.J. No. L 93, 31.3.2006, p.1.

⁽⁸⁾ S.I.2003/2821.

⁽⁹⁾ S.I. 2004/1604.

⁽¹⁰⁾ S.I. 1997/1729, amended by S.I. 2001/3590, 2004/147 and 2006/755.

⁽¹¹⁾ S.S.I. 2005/599.

⁽¹²⁾ S.I. 2006/2407.

“medicated feedingstuffs” has the meaning given in Article 1.6 of Directive [2001/82/EC](#) of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products⁽¹³⁾; and

“zootechnical additives” means feed additives in the categories mentioned in Article 6.1(d) and (e) of Regulation [\(EC\) No. 1831/2003](#) of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁴⁾ with the exception of those belonging to the functional group listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation.

(4) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in Regulation 882/2004.

(5) Unless otherwise required by the context, references in these Regulations to an “Article” or “Title” are to an Article or Title, respectively, of Regulation 882/2004.

⁽¹³⁾ O.J. No. L 311, 28.11.2001, p.1, as last amended by Directive [2004/28/EC](#) of the European Parliament and of the Council (O.J. No. L 136, 30.4.2004, p.58.).

⁽¹⁴⁾ O.J. No. L 268, 18.10.2003, p.29, as amended by Commission Regulation [\(EC\) No. 378/2005](#) (O.J. No. L 59, 5.3.2005, p.8).