EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to Scotland only and restrict the treatment of food with ionising radiation (irradiation) and the importation, storage and transport for the purpose of sale, and sale, of irradiated food.

The Regulations revoke and re-enact with modifications, the following instruments: the Food (Control of Irradiation) Regulations 1990, regulations 2 to 16 of the Food Irradiation Provisions (Scotland) Regulations 2000 and the Food (Control of Irradiation) Amendment (Scotland) Regulations 2002 (regulation 12). This gives effect to the provisions of:—

(a) Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (O.J. No. L 66, 13.3.99, p.16);

(b) Directive 1999/3/EC of the European Parliament and of the Council on the establishment of a Community list of foods and food ingredients treated with ionising radiation (O.J. No. L 66, 13.3.99, p.24);

(c) Commission Decision 2002/840/EC adopting the list of approved facilities in third countries for the irradiation of foods (O.J. No. L 287, 25.10.2002, p.40);

(d) Commission List of 3rd September 2004 of approved facilities for the treatment of foods and food ingredients with ionising radiation in the Member States(**1**);

(e) Commission Decision 2004/691/EC amending Decision 2002/840/EC adopting the list of approved facilities in third countries for the irradiation of food (O.J. No. L 314, 13.10.2004, p.14); and

(f) Commission Decision 2007/802/EC amending Decision 2002/840 as regards the list of approved facilities in third countries for the irradiation of foods (O.J. No. L 323, 8.12.87, p.40).

As well as making minor and drafting changes, the Regulations—

(a) define "properly irradiated food" (regulation 3(2) and Schedule 1);

(b) prohibit the irradiation of food unless it is wholesome and is irradiated in accordance with the Regulations and with a licence (regulation 4(1));

(c) provide for the issue and contents of licences, the requirements to be observed by a licensee, and the variation, cancellation or suspension of licences (regulation 4(2) and Schedule 2);

(d) restrict the importation of irradiated food (regulation 5);

(e) restrict its storage or transport (regulation 6);

(f) restrict its sale (regulation 7);

(g) require the documents which accompany irradiated food to contain certain information (regulation 8);

(h) provide for their enforcement (regulation 9);

(**1**) Published on the Commission website via http://ec.europa.eu/food/food/biosafety/irradiation.comm_legisl_en.pdf. A hard copy may be obtained from the European Commission, Directorate General for Health and Consumers, B-1049 Brussels, Belgium.

(i) create offences and prescribe penalties (regulation 10); and

(j) apply various provisions of the Food Safety Act 1990 (regulation 11).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.