

SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF EU LEGISLATION

“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](#)(1);

“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(2);

“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;

“Regulation 852/2004” means Regulation (EC) No. [852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs(3) 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(4) as read with Directive [2004/41](#), Regulation [1688/2005](#), Regulation [2074/2005](#), Regulation [1020/2008](#) and Regulation [1162/2009](#);

“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(5) as read with Regulation [2074/2005](#), Regulation [669/2009](#) and Regulation [1162/2009](#);

“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(6);

“Regulation 2073/2005” means [Commission Regulation \(EC\) No. 2073/2005](#) on microbiological criteria for foodstuffs(7);

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- (1) 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).
 - (2) O.J. No. L 147, 31.5.2001, p.1, as last amended by Regulation (EC) No. [220/2009](#) 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, as regards the implementing powers conferred on the Commission (O.J. No. L87, 31.3.2009, p.155).
 - (3) 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) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p.26). Regulation (EC) No. [852/2004](#) was last amended by Regulation (EC) No. [219/2009](#) of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision [1999/468/EC](#) with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Two (O.J. No. L 87, 31.3.2009, p.109).
 - (4) 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. L 226, 25.6.2004, p.22) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p.26). Regulation (EC) No. [853/2004](#) was last amended by Regulation (EC) No. [219/2009](#).
 - (5) 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) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p.29). Regulation (EC) No. [882/2004](#) was last amended by [Commission Regulation \(EC\) No. 1029/2008](#) amending Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council to update a reference to certain European Standards (O.J. No. L 278, 21.10.2008, p.6).
 - (6) O.J. No. L 271, 15.10.2005, p.17.
 - (7) 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. Regulation (EC) [2073/2005](#) was amended by [Commission Regulation \(EC\) No. 1441/2007](#) amending Regulation (EC) No. [2073/2005](#) on microbiological criteria for foodstuffs (O.J. No. L 322, 7.12.2007, p.12).

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“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(8);

“Regulation 1020/2008” means [Commission Regulation \(EC\) No. 1020/2008](#) amending Annexes II and III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and Regulation (EC) No. 2076/2005 as regards identification marking, raw milk and dairy products, eggs and egg products and certain fishery products(9).

“Regulation 669/2009” means [Commission Regulation \(EC\) No. 669/2009](#) implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC(10); and

“Regulation 1162/2009” means [Commission Regulation \(EC\) No. 1162/2009](#) laying down transitional measures 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(11).

SCHEDULE 2

Regulation 2(1)

DEFINITION OF RELEVANT FEED LAW

“relevant feed law” means—

- (a) Part IV of the Agriculture Act 1970(12) in so far as it applies in relation to feeding stuffs;
- (b) the Feeding Stuff (Sampling and Analysis) Regulations 1999(13);
- (c) the Genetically Modified Animal Feed (Scotland) Regulations 2004(14);
- (d) the Food Hygiene (Scotland) Regulations 2006 in so far as they apply in relation to feed;
- (e) the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005(15);
- (f) the Feeding Stuff (Scotland) Regulations 2005 (16); and
- (g) the Guar Gum (Restriction on First Placing on the Market) (Scotland) Regulations 2008(17).

(8) O.J. No. L 338, 22.12.2005, p.27 as last amended by [Commission Regulation \(EC\) No. 1022/2008](#) amending Regulation (EC) No. 2074/2005 as regards the total volatile basic nitrogen (TVB-N) limits (O.J. No. L 277, 18.10.2008, p.18).

(9) O.J. No. L 277, 18.10.2008, p.8.

(10) O.J. No. L 194, 25.7.2009, p.11.

(11) O.J. No. L 314, 1.12.2009, p.10.

(12) 1970 c.40.

(13) S.I. 1999/1663, amended by S.S.I. 2000/453, 2001/104, 2002/285, 2003/277, 2004/414, 2005/605 and 2006/16.

(14) S.S.I. 2004/433, amended by S.S.I. 2005/246 and 2007/493.

(15) S.S.I. 2005/608, amended by S.S.I. 2005/616, 2006/578, 2008/201 and 2009/263.

(16) S.S.I. 2005/605, amended by S.S.I. 2006/16, 516 and 578, 2007/492, 2008/215 and 2009/21.

(17) S.S.I. 2008/176.

SCHEDULE 3

Regulation 2(1)

DEFINITION OF RELEVANT FOOD LAW

“relevant food law” means—

- (a) food law in so far as it applies in relation to food, except in so far as it involves—
 - (i) 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**(18)**,
 - (ii) the regulation of residues of pesticides under the Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008**(19)**,
 - (iii) the application of the rules under which a traditional speciality guaranteed may be recognised for certain agricultural products and foodstuffs laid down in Council Regulation (EC) No. 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed**(20)**,
 - (iv) the application of the rules on the protection of designations of origin and geographical indications of certain agricultural products and foodstuffs laid down in Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**(21)**,
 - (v) the regulation of organic products under the Organic Products Regulations 2009**(22)**,
 - (vi) the regulation of beef and veal labelling under the Beef and Veal Labelling (Scotland) Regulations 2008**(23)**,
 - (vii) the regulation of the import of and trade in products of animal origin—
 - (aa) under the Products of Animal Origin (Import and Export) Regulations 1996**(24)**, with the exception of the execution and enforcement of regulation 3 thereof by the Agency,
 - (bb) under the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007**(25)**, with the exception of the execution and enforcement of regulation 5 thereof by the Agency;
 - (viii) the matters regulated under Schedule 2 to the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006**(26)** in so far as that Schedule applies in relation to animals slaughtered for human consumption, together with the matters covered under point 2 of Part I and point 2 of Part II of Chapter A of Annex III to Regulation 999/2001 as read with Commission Decision [2009/719/EC](#) authorising certain Member States to revise their annual BSE monitoring programmes**(27)** in so far as those points apply in relation to animals slaughtered for human consumption; and

(18) S.I. 1997/1729, amended by S.I. 2001/3590/2004/147, 2006/755, 2009/1925 and S.S.I. 2005/616.

(19) S.S.I. 2008/342.

(20) O.J. No. L 93, 31.3.2006, p.1.

(21) O.J. No. L 93, 31.3.2006, p.12, as last amended by [Commission Regulation \(EC\) No. 417/2008](#) amending Annexes I and II to Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (O.J. No. L 125, 9.5.2008, p.27).

(22) S.I. 2009/842.

(23) S.S.I. 2008/418.

(24) S.I. 1996/3124, last amended by S.S.I. 2006/3

(25) S.S.I. 2007/1, amended by S.S.I. 2007/304.

(26) S.S.I. 2006/530, as amended by S.S.I. 2007/357 and 2008/166 and 417.

(27) O.J. No. L 256, 29.9.2009, p.35.

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- (ix) the regulation of spirit drinks under the Spirit Drinks Regulations 2008**(28)**.
- (b) food law in so far as it applies in relation to materials and articles in contact with food; and
- (c) food law in so far as it involves the regulation of primary production and those associated operations, listed in point 1 of Part AI of Annex I to Regulation 852/2004, under the Food Hygiene (Scotland) Regulations 2006.

SCHEDULE 4

Regulation 3(1)

COMPETENT AUTHORITIES FOR THE PURPOSES OF
CERTAIN PROVISIONS OF REGULATION 882/2004 IN SO FAR
AS THEY APPLY IN RELATION TO RELEVANT FEED LAW

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authority</i>	<i>Provisions of Regulation 882/2004</i>
The Agency	Articles 3(6), 4(2) to (6), 5(1) to (3), 6, 7, 8(1) and (3), 9, 10, 11(1) to (3) and (5) to (7), 12, 19(1), (2) and (3), 24, 27, 28, 31(1) and (2)(f), 34, 35(3) and (4) 36, 37(1), 38, 39, 40(2) and (4), 52(1) and 54
The feed authority	Articles 3(6), 4(2) to (6), 5(1) to (3), 6, 7, 8(1) and (3), 9, 10, 11(1) to (3) and (5) to (7), 15(1) to (4), 16(1) and (2), 18, 19(1) and (2), 20, 21, 22, 24, 27, 28, 31, 34, 35(3), 36, 37(1), 38, 39, 40(2) and (4) and 54

SCHEDULE 5

Regulation 3(3)

COMPETENT AUTHORITIES FOR THE PURPOSES OF
CERTAIN PROVISIONS OF REGULATION 882/2004 IN SO FAR
AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authority</i>	<i>Provisions of Regulation 882/2004</i>
The Agency	Articles 3(6), 4(2) to (6), 5(1) to (3), 6, 7, 8(1) and (3), 9, 10, 11(1) to (3) and (5) to (7), 12, 14, 19(1), (2) and (3), 24, 27, 28, 31, 34, 35(3) and (4), 36, 37(1), 38, 39, 40(2) and (4), 52(1) and 54
The food authority	Articles 3(6), 4(2) to (6), 5(1) to (3), 6, 7, 8(1) and (3), 9, 10, 11(1) to (3) and (5) to (7), 15(1) to (4), 16(1) and (2), 18, 19(1) and (2), 20, 21,

(28) S.I. 2008/3206.

<i>Column 1</i>	<i>Column 2</i>
<i>Competent authority</i>	<i>Provisions of Regulation 882/2004</i>
	22, 24, 27, 28, 31, 34, 35(3), 36, 37(1), 38, 39, 40(2) and (4) and 54

SCHEDULE 6

Regulations 22 and 41(1)(a)

SPECIFIED IMPORT PROVISIONS

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of Regulation</i>	<i>Subject - matter</i>
669/2009	
Article 6, as read with Article 7	Requirement that feed and food business operators or their representatives give adequate prior notification of the estimated date and time of physical arrival of the consignment at the designated point of entry and of the nature of the consignment in the manner indicated in that Article (common entry document to be completed and transmitted at least one working day in advance) and Article 7 (common entry document to be drawn up in the official language of the member State), although the member State may consent to common entry documents being drawn up in another official language of the Community).
Article 8(2) second paragraph	Requirement that the original of the common entry document must accompany the consignment on its onward transport until it reaches its destination as indicated in that document.
Article 11	Requirement that in cases where the special characteristics of the consignment so warrant, feed and food business operators or their representatives make available to the competent authority- (a) sufficient human resources and logistics to unload the consignment, in order that the official controls may take place; and (b) the appropriate equipment for sampling for analysis as regards special transport and/or specific packaging forms, insofar as such sampling cannot be representatively performed with standard sampling equipment.
Article 12 first paragraph	Requirement that consignments must not be split until the increased level of official controls has been completed and the common entry document has been completed by the competent authority.
Article 12 second paragraph	Requirement that in the case of subsequent splitting of the consignment, an authenticated copy of the common entry

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<i>Column 1</i>	<i>Column 2</i>
<i>Provision of Regulation</i> <i>669/2009</i>	<i>Subject - matter</i>
	document must accompany each part of the consignment until it is released for free circulation.