
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 282

**The Plastic Kitchenware (Conditions on Imports
from China) (Scotland) Regulations 2011**

Notices and actions in the case of non-compliance

8.—(1) If an importer presents a consignment of relevant product for import into Scotland without submitting a declaration and accompanying laboratory report in accordance with the requirements of Article 3(1), (2) and (3), the food authority may by written notice require the importer to submit such a declaration and laboratory report within 14 days of the date of service of the notice.

(2) If the checks provided for in Article 6(1) indicate that—

- (a) where notice has been served under paragraph (1), the declaration specified in Article 3(1) together with the laboratory report specified in Article 3(3) has not been submitted by the date specified in the notice;
- (b) where notice has not been served under paragraph (1), the declaration specified in Article 3(1) together with the laboratory report specified in Article 3(3) has not been submitted;
- (c) a declaration or a laboratory report has been submitted that does not comply with the requirements of Article 3(1), (2) and (3); or
- (d) the relevant product that is the subject of the checks—
 - (i) fails an identity check; or
 - (ii) does not meet the requirements of Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food⁽¹⁾,

the food authority must take the steps set out in paragraph (3).

(3) The food authority must, by written notice—

- (a) require the importer within 60 days of the date of service of the notice—
 - (i) to re-dispatch the consignment outside the European Union;
 - (ii) in the case of polyamide kitchenware, to carry out shredding and melting and form the resulting product into articles for purposes other than food contact; or
 - (iii) at the importer's expense to destroy the consignment under official control; and
- (b) inform the importer that if the requirements of sub-paragraph (a) are not complied with the authority may in accordance with Article 54(2) and (5) of Regulation 882/2004 arrange for the destruction of the consignment and recover the costs of storage and destruction from the importer.

(4) Any notice under paragraph (1) or (3) may be served on the importer or the importer's representative.