

STATUTORY INSTRUMENTS

2013 No. 3235

The Single Common Market Organisation (Consequential Amendments) Regulations 2013

PART 3

AMENDMENTS TO REGULATIONS THAT RELATE ONLY TO SCOTLAND

Amendments to the Milk and Dairies (Scotland) Regulations 1990

14.—(1) The Milk and Dairies (Scotland) Regulations 1990 ^{M1} are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “milk” for “Annex XIII to Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)” substitute “ Part IV of Annex VII to and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007; ”.

Marginal Citations

M1 S.S.I. 1990/2507; as amended by S.S.I.1992/3136, S.S.I. 1995/1372, S.S.I. 1998/2424 and S.S.I. 2011/84.

Amendments to the Milk and Milk Products (Pupils in Educational Establishments) (Scotland) Regulations 2001

^{F1}**15.**

Textual Amendments

F1 Reg. 15 revoked (1.8.2017) by The Milk and Other Products (Pupils in Educational Establishments) (Scotland) Regulations 2017 (S.S.I. 2017/178), regs. 1, 7(1)(c)

Amendments to the Food Hygiene (Scotland) Regulations 2006

16.—(1) The Food Hygiene (Scotland) Regulations 2006 ^{M2} are amended as follows.

(2) In paragraph 2(2)(g) of Schedule 4 (Temperature control requirements) for “Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products” substitute “ the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ”.

Marginal Citations

M2 [S.S.I. 2006/3](#), as relevantly amended by [S.S.I. 2008/395](#).

Amendments to the Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008

17.—(1) The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008 ^{M3} are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “the Act” insert—

““Council Regulation 2013” means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#) No 922/72, ([EEC](#) No 234/79, ([EC](#) No 1037/2001 and ([EC](#) No 1234/2007;”.

(3) In regulation 6(2) (offences and penalty for breach of any EU provision)-

- (a) in sub-paragraph (a) for “Annex XII to that Regulation” substitute “ Part III of Annex VII to Council Regulation 2013 ”;
- (b) for sub-paragraph (b)(i) substitute “ (i) points 1,3,5 and 6 of Part II and point 2 of Part IV of Annex XV to the Council Regulation ”;
- (c) after sub-paragraph (b) insert “ (bc) Article 78(1)(f) and (2) of Council Regulation 2013 (definitions, designations and sales descriptions applying to spreadable fats) as read with Part VII of Annex VII to Council Regulation 2013; and ”.

Marginal Citations

M3 [S.S.I. 2008/216](#), as relevantly amended by [S.I. 2011/1043](#) and [S.I. 2012/1809](#).

Amendments to the Eggs and Chicks (Scotland) (No. 2) Regulations 2008

18.—(1) The Eggs and Chicks (Scotland) (No. 2) Regulations 2008 ^{M4} are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1), after the definition of “Council Directive [1999/74/EC](#)” insert “ “Council Regulation 2013” means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#) No 922/72, ([EEC](#) No 234/79, ([EC](#) No 1037/2001 and ([EC](#) No 1234/2007, as amended from time to time ”;
- (b) in paragraph (3), for “Part A of Annex XIV to the Single CMO Regulation” substitute “ Part VI of Annex VII to Council Regulation 2013 ”;
- (c) in paragraph (4)—
 - (i) omit the full stop at the end of sub-paragraph (b); and
 - (ii) at the end of sub-paragraph (b) insert—

“or the Council Regulation 2013 mentioned in column 1 of Part 1 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part;”; and
- (d) in paragraph 5(a), for “the Single CMO Regulation” substitute “ the Council Regulation 2013 ”.

(3) In regulation 3 (products to which these Regulations apply)—

- (a) in paragraph (1)(b), for “Part A of Annex XIV to the Single CMO Regulation” substitute “ Part VI of Annex VII to Council Regulation 2013 ”;
- (b) in paragraph (2)(b), for “Part A of Annex XIV to the Single CMO Regulation” substitute “ Part VI of Annex VII to Council Regulation 2013 ”; and
- (c) for paragraph (2)(c) substitute—
 - “(c) except in so far as they relate to the requirement imposed by point III(3) of Part VI of Annex VII to Council Regulation 2013, the sale of eggs to which point I(1) of Part VI of Annex VII to that Regulation and Commission Regulation (EC) No. 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer in a local public market in the region of production.”.
- (4) In regulation 9 (derogations relating to the marking of eggs)—
 - (a) in paragraph (1) for “Part A of Annex XIV to the Single CMO Regulation” substitute “ Part VI of Annex VII to Council Regulation 2013 ”;
 - (b) in paragraph (2)—
 - (i) for “Part A of Annex XIV to the Single CMO Regulation” substitute “ Part VI of Annex VII to Council Regulation 2013 ”; and
 - (ii) for “Part A of Annex XIV to the Council Regulation” substitute “ Part VI of Annex VII to Council Regulation 2013 ”.
- (5) In Schedule 1 (EU provisions relating to eggs for hatching and chicks contravention of which is an offence), in part 1 (provisions of the Single CMO Regulation)—
 - (a) in the heading insert at the end “ or Council Regulation 2013 ”;
 - (b) for the heading to column 1 substitute “ Relevant EU provision ”;
 - (c) in column 1, for “Article 113(3) substitute “ Article 74 of the Council Regulation 2013 ”;
 - (d) in column 1, after “Annex XIV”, in each place it occurs, insert “ to the Single CMO ”;
- (6) In Schedule 2 (EU provisions relating to eggs in shell for consumption contravention of which is an offence),
 - (a) for Part 1 (provisions of the Single CMO Regulation) substitute—

“PART 1

PROVISIONS OF COUNCIL REGULATION 2013

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of Council Regulation 2013	Provisions to be read with the provisions of Council Regulation 2013 mentioned in column 1	Subject matter
Article 75 insofar as it relates to the marketing of eggs	Part VI of Annex VII to Council Regulation 2013 and Commission Regulation (EC) No. 589/2008	Prohibition on the marketing of eggs except in accordance with the marketing standards laid down in Part VI of Annex VII to Council Regulation 2013 and Commission Regulation (EC) No. 589/2008.

Point II(1) of Part VI of Annex VII	Article 2(1) and (4) of Commission Regulation (EC) No. 589/2008	Grading of eggs as class A (“fresh”) or class B.
Point II(2) of Part VI of Annex VII	Article 4(1) of Commission Regulation (EC) No. 589/2008	Weight grading of class A eggs.
Point II(3) of Part VI of Annex VII		Prohibition on the delivery of class B eggs except to the food and non food industry.
Point III(1) of Part VI of Annex VII, first sub paragraph	Point III(3) of Part VI of Annex VII to Council Regulation 2013 and Articles 9(1) and 11 of Commission Regulation (EC) No. 589/2008	Marking of class A eggs.
Point III(1) of Part VI of Annex VII, second sub paragraph	Articles 9, 10 and 11 of Commission Regulation (EC) No. 589/2008, paragraphs (a) and (b) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No. 2160/2003 and regulation 9(1)	Marking of class B eggs.
Point III(2) of Part VI of Annex VII	Point III(1) of Part VI of Annex VII to Council Regulation 2013	Place at which eggs are marked.
Point III(3) of Part VI of Annex VII, first sub paragraph	Point III(1) of Part VI of Annex VII and the second sub-paragraph of point III(3) of Part VI of Annex VII to Council Regulation 2013	Marking of eggs sold by a producer to the final consumer at a local public market.
Articles 75(2) and (3) of Council Regulation 2013	Article 30(2) of Commission Regulation (EC) No. 589/2008	Marking of eggs imported from a third country where the rules applied in relation to those eggs in that country have been found to offer sufficient guarantees as to equivalence with EU legislation
Articles 75(2) and (3) of Council Regulation 2013	Articles 11, 30(2) and (3) of Commission Regulation (EC) No. 589/2008	Marking of eggs and packs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with EU legislation have not been provided.”

(b) in Part 2 (provisions of Commission Regulation (EC) No. 589/2008)—

- (i) in relation to the entry for Article 2(1) of Commission Regulation (EC) No. 589/2008 in column 2, for “Part A of Annex XIV, first indent, to the Single CMO Regulation” substitute “Part VI of Annex VII, paragraph (a), to the Council Regulation 2013”;
- (ii) in relation to the entry for Article 2(4) of Commission Regulation (EC) No. 589/2008 in column 2, for “Part A of Annex XIV, second indent, to the Single CMO

- Regulation” substitute “ Part VI of Annex VII, paragraph (b), to the Council Regulation 2013 ”;
- (iii) in relation to the entry for Article 4(1) of Commission Regulation (EC) No. 589/2008 in column 2, for “Part A of Annex XIV to the Single CMO Regulation” substitute “ Part VI of Annex VII to the Council Regulation 2013 ”;
 - (iv) in relation to the entry for Article 8(5) of Commission Regulation (EC) No. 589/2008 in column 2, for “Part A of Annex XIV, second sub-paragraph, of the Single CMO Regulation”, substitute “ Part VI of Annex VII, second sub-paragraph, to the Council Regulation 2013 ”;
 - (v) in relation to the entry for Article 10 of Commission Regulation (EC) No. 589/2008 in column 2, for “Part A of Annex XIV, second sub-paragraph to the Single CMO Regulation”, substitute “ Part VI of Annex VII, second sub-paragraph, to the Council Regulation 2013 ”; and
 - (vi) in relation to the entry for Article 30(3) of Commission Regulation (EC) No. 589/2008 in column 2, omit “Point IV(3) of Part A of Annex XIV to the Single CMO Regulation and”.

(7) In Schedule 2A (EU provisions relating to eggs in shell for consumption: salmonella control related requirements where the contravention of which is an offence) in relation to the entry for Point 2, second sub-paragraph, paragraph (a), of Part D of Annex II of Regulation (EC) No. 2160/2003, in column 2, for “Part A of Annex XIV to, the Single CMO Regulation” substitute “ Part VI of Annex VII to the Council Regulation 2013 ”.

Marginal Citations

M4 S.S.I 2008/395; as amended by [S.S.I. 2010/450](#) and [S.I. 2011/1043](#).

Amendments to the Marketing of Horticultural Produce (Scotland) Regulations 2009

19.—(1) The Marketing of Horticultural Produce (Scotland) Regulations 2009 ^{M5} are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

- (i) in the definition of “EU marketing rules” for “Council Regulation 1234/2007, and includes the rules relating to those standards contained in Articles 113 and 113a” substitute “ Council Regulation 2013 and includes the rules relating to those standards contained in Articles 74, 75 and 76 ”;
- (ii) for the definition of “Council Regulation 1234/2007” substitute—
““Council Regulation 2013” means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time”;
- (iii) in the definition of “general marketing standard” for “Article 113a(1) of Council Regulation 1234/2007” substitute “ for Article 76(1) of Council Regulation 2013 ”;
- (iv) in the definition of “horticultural produce” for “Council Regulation 1234/2007” substitute “ Council Regulation 2013 ”; and

- (v) in the definition of “specific marketing standards” for “Article 113(1)(b) of Council Regulation 1234/2007” substitute “ Article 75(1)(b) of Council Regulation 2013 ”;
- and
- (b) in paragraph (3), for “Council Regulation 1234/2007” substitute “ Council Regulation 2013 ”.

Marginal Citations

M5 [S.S.I. 2009/225](#) - as amended by [S.S.I. 2011/324](#) and [S.I. 2011/1043](#).

Amendments to the Beef and Pig Carcase Classification (Scotland) Regulations 2010

20.—(1) The Beef and Pig Carcase Classification (Scotland) Regulations 2010 ^{M6} are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “Council Regulation” substitute—
 ““Council Regulation” means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#)) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001 and ([EC](#)) No 1234/2007, as amended from time to time;”

(3) In Schedule 1 (European provisions: bovine carcasses), in Part 1, column 1 for “Annex V”, in each place it occurs, substitute “ Annex IV ”.

(4) In Schedule 2 (European provisions: pig carcasses), in column 1 for “Annex V”, in each place it occurs, substitute “ Annex IV ”.

Marginal Citations

M6 [S.S.I. 2010/330](#).

Amendments to the Beef and Veal Labelling (Scotland) Regulations 2010

21.—(1) The Beef and Veal Labelling (Scotland) Regulations 2010 ^{M7} are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Council Regulation 1234/2007”;

(b) after the definition of “Commission Regulation 566/2008” insert—

““the EU Regulation” means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#)) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001 and ([EC](#)) No 1234/2007, as amended from time to time;”

(3) For regulation 3(1)(c) (authorities responsible for enforcement) substitute—

“(c) Article 78 of, and Part I of Annex VII to, the EU Regulation;”.

(4) In regulation 4 (offences under European legislation)—

(a) for paragraph (1)(c) substitute—

“(c) the following provisions of the EU Regulation—

(i) Article 78 and paragraph II of Part I of Annex VII (classification of bovine animals aged less than 12 months at the slaughterhouse);

(ii) Article 78 and paragraph III of Part I of Annex VII (sales descriptions);

- (iii) Article 78 and paragraph IV of Part I of Annex VII (compulsory information on the label);
- (iv) Article 78 and paragraph V of Part I of Annex VII (recording); and
- (v) paragraph VI(5) of Part I of Annex VII (official checks);”;
- (b) in paragraph (2), for “paragraph IV(2) of Annex XIa to Council Regulation 1234/2007,” substitute “ paragraph IV(2) of Part I of Annex VII to the EU Regulation 2013, ”.

Marginal Citations

M7 [S.S.I. 2010/402](#).

Amendments to the Drinking Milk (Scotland) Regulations 2011

- 22.**—(1) The Drinking Milk (Scotland) Regulations 2011 ^{M8} are amended as follows.
- (2) In regulation 2 (interpretation)
- (a) in paragraph (1), for the definition of “the Annex” substitute—
““the Annex” means Part IV of Annex VII to the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#)) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001 and ([EC](#)) No 1234/2007;”;
 - (b) in paragraph (2), after “Council Regulation”, in each place it occurs, insert “ or the Annex ”.
- (3) Omit regulation 4.
- (4) In regulation 6 (offences and penalties) omit “or 4”.

Marginal Citations

M8 [S.S.I 2011/84](#).

Amendments to the Poultrymeat (Scotland) Regulations 2011

- 23.**—(1) The Poultrymeat (Scotland) Regulations 2011 ^{M9} are amended as follows.
- (2) In regulation 1(4)—
- (a) for “point I(1) of Part B of Annex XIV to the Single CMO Regulation” substitute “ point 1 of Part V of Annex VII to Council Regulation 2013 ”; and
 - (b) for “that Part of that Annex to that Regulation” substitute “ Part B of Annex XIV to that Regulation ”.
- (3) In regulation 2 (interpretation)—
- (a) in paragraph (1)—
 - (i) after the definition of “contravene” insert
““Council Regulation 2013” means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#)) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001 and ([EC](#)) No 1234/2007, as amended from time to time;”;

- (ii) in the definition of “European poultry provision” after “Single CMO Regulation” insert “ or, as the case may be, Council Regulation 2013 ”;
- (iii) for the definition of “poultrymeat” substitute—
““poultrymeat” “has the meaning given by point II(1) of Part V of Annex VII to Council Regulation 2013;”; and
- (b) in paragraph (3) after “Single CMO Regulations” insert “ or, as the case may be, Council Regulation 2013 ”.
- (4) In regulation 11(1)(a)(v) (powers of an authorised officer) for “Single CMO Regulation” substitute “ Council Regulation 2013 ”.
- (5) In Part 1 of Schedule 1 (European poultry meat provisions – contravention of which is an offence)—
 - (a) for the heading under Part 1 after “SINGLE CMO REGULATION” insert “ OR THE COUNCIL REGULATION 2013 ”
 - (b) for the heading in column 1 substitute “ Relevant provision of the Single CMO or Council Regulation 2013 ”;
 - (c) in the heading in column 2 after “Single CMO Regulation” insert “ or Council Regulation 2013 ”;
 - (d) in column 1 for “Article 113(3), first sub-paragraph” substitute “ Article 74 of the Council Regulation 2013 ”;
 - (e) in column 2 for “Article 116 of, and Part B of Annex XIV to the Single CMO Regulation” substitute “ Article 116 of, and Part B (I)(2) and (3) and (III)(1) of the Single CMO Regulation and Part V of Annex VII to the Council Regulation 2013 ”;
 - (f) in column 1 after “point III(1) of Part B of Annex XIV” insert “ to the Single CMO Regulation ”;
 - (g) in column 1 for “point III(2) of Part B of Annex XIV” substitute “ point III of Part V of Annex VII to Council Regulation 2013 ”; and
 - (h) in column 2 for “Part B of Annex XIV to the Single CMO Regulation”, in each place it occurs, substitute “ Part V of Annex VII to Council Regulation 2013 ”.
- (6) In Part 2 of Schedule 1 (provisions of the EU Regulation)—
 - (a) in column 2 for “Points III(1) and (2) of Part B of Annex XIV to the Single CMO Regulation” substitute “ Point III(1) of Part B of Annex XIV to the Single CMO Regulation and Point III of Part V of Annex VII to Council Regulation 2013 ”; and
 - (b) for “Point II(3) of Part B of Annex XIV to the Single CMO Regulation” substitute “ Point II(3) of Part V of Annex VII to Council Regulation 2013 ”.

Marginal Citations

M9 [S.S.I. 2011/318](#).

Amendments to the Marketing of Bananas (Scotland) Regulations 2012

- 24.**—(1) The Marketing of Bananas (Scotland) Regulations 2012 ^{M10} are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1)(a) of the definition of “bananas” for “CN code 0803 00 19 as provided for in Part XI of Annex 1 to Council Regulation 1234/2007” substitute “ CN code 0803 90 10 as provided for in Part XI of Annex I to Council Regulation 2013 ”;

(b) for the definition of “Council Regulation 1234/2007” substitute—

““Council Regulation 2013”“ means the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time” and

(c) in paragraph (2) for “Council Regulation 1234/2007” substitute “ Council Regulation 2013 ”.

(3) In Regulation 3(1) (designations, provision of information and appointment of authorised officers) – for “Article 113(3) of Council Regulation 1234/2007” substitute “ Article 74 of Council Regulation 2013 ”.

Marginal Citations

M10 [S.S.I. 2012/349](#).

Changes to legislation:

There are currently no known outstanding effects for the The Single Common Market Organisation (Consequential Amendments) Regulations 2013, PART 3.