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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2023 No.**

**The Alcoholic Beverages, Fruit and Vegetables  
(Miscellaneous Amendment) (Scotland) Regulations 2023**

**Commission Implementing Regulation (EU) No 543/2011**

2.—(1) Article 11(1) (conformity checks) of Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors<sup>(1)</sup> is amended as follows.

(2) For “Regulation (EC) 1308/2018” substitute “Regulation (EU) No 1308/2013<sup>(2)</sup>”.

(3) At the end insert as new paragraphs—

“The criteria to assess the risk shall include the existence of a conformity certificate referred to in Article 14 issued by a competent authority of a third country where the conformity checks have been approved pursuant to Article 15. The existence of such certificate shall be considered as a factor reducing the risk of non-conformity.

The criteria to assess the risk may also include:

- (a) the nature of the product, the period of production, the price of the product, the weather, the packing and handling operations, the storage conditions, the country of origin, the means of transport or the volume of the lot;
- (b) the size of the traders, their position in the marketing chain, the volume or value marketed by them, their product range, the delivery area or the type of business carried out such as storage, sorting, packing or sale;
- (c) findings made during previous checks including the number and type of defects found, the usual quality of products marketed, the level of technical equipment used;
- (d) the reliability of traders’ quality assurance systems or self-checking systems related to the conformity to marketing standards;
- (e) the place where the check is carried out, in particular if it is the point of first entry into Great Britain, or the place where the products are being packed or loaded;
- (f) any other information that might indicate a risk of non-compliance.”

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(1) EUR 2011/543, amended by S.I. 2019/822 and prospectively amended by S.S.I. 2022/361. There are other amendments not relevant to these Regulations.

(2) EUR 2013/1308, amended by S.I. 2019/821 and S.I. 2019/831 and prospectively amended by S.S.I. 2022/361. There are other amendments not relevant to these Regulations.