
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 106

**The Quick-frozen Foodstuffs
Amendment (Scotland) Regulations 2007**

Amendment of the Quick-frozen Foodstuffs Regulations 1990

2. The Quick-frozen Foodstuffs Regulations 1990⁽¹⁾ are amended as follows—
- (a) in regulation 2 (interpretation and scope)—
- (i) after the definition of “monitoring” insert—
- ““placing on the market” has the meaning that it bears in Regulation 178/2002 and “placed on the market” and “place on the market” shall be construed accordingly;”;
- (ii) after the definition of “quick-frozen foodstuff” insert—
- ““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⁽²⁾ as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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⁽³⁾ and Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority⁽⁴⁾;
- “Regulation 37/2005” means Commission Regulation (EC) No. 37/2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption⁽⁵⁾;
- “specified Community provision” means any provision of Regulation 37/2005 that is specified in column 1 of Schedule 2 and whose subject matter is described in column 2 of that Schedule;”;
- (b) (i) in regulation 3, for “sell” substitute “place on the market”;
- (ii) in regulation 4, for “sell” substitute “place on the market” and for “to the ultimate consumer” substitute “intended for the ultimate consumer”;
- (iii) in regulation 5(4) for “sell” where it first appears substitute “place on the market”, for “to the ultimate consumer” substitute “intended for the ultimate consumer” and for “no person shall sell it to any other person” substitute “no person shall place on the market any food intended for any other person”;

(1) S.I.1990/2615, amended by S.I. 1992/2596, S.I. 1994/298, S.I. 1996/1499, S.S.I. 2004/395.

(2) O.J. No. L 31, 1.2.02, p.1.

(3) O.J. No. L 245, 29.9.03, p.4.

(4) O.J. No. L 100, 8.4.06, p.3.

(5) O.J. No. L 10, 13.1.05, p.18.

- (iv) in regulation 4(b), 5(1) and 6 for “sale” substitute “placing on the market”;
 - (v) in regulation 6 for “a sale of” substitute “to be placed on the market”;
 - (vi) in regulation 8 paragraph (a) is omitted.
- (c) in regulation 5(5) for the definition of “Council Directive 89/108/EEC” substitute–
- ““Council Directive 89/108/EEC” means Council Directive 89/108/EEC on the approximation of the laws of Member States relating to quick frozen foodstuffs for human consumption⁽⁶⁾ as amended by Regulation 1882/2003 of the European Parliament and of the Council of 29 September 2003⁽⁷⁾, the Act of accession of Norway, Austria, Sweden and Finland⁽⁸⁾, the Act of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic⁽⁹⁾, Regulation 1882/2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty⁽¹⁰⁾, Council Directive 2006/107/EC adapting Directive 89/108/EEC relating to quick-frozen foodstuffs for human consumption and Directive 2000/13/EC of the European Parliament and of the Council relating to the labelling, presentation and advertising of foodstuffs, by reason of the accession of Bulgaria and Romania⁽¹¹⁾
- (d) regulation 6A is omitted;
- (e) in regulation 7 (penalties and enforcement) after paragraph (1) insert–
- “(1A) Subject to paragraphs (1B) and (1C), if any person contravenes or fails to comply with a specified Community provision, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (1B) A person shall not be considered to have contravened or failed to comply with the first sentence of the first paragraph of Article 2.2 of Regulation 37/2005 if the requirements of Schedule 3 are complied with.
- (1C) A person shall not be considered to have contravened or failed to comply with Article 2 of Regulation 37/2005 if–
- (a) the offence which would otherwise have been committed was in respect of a cold store facility with a capacity of less than 10m³ used for storing stock in retail outlets; and
 - (b) the air temperature in the cold store is measured by an easily visible thermometer.”.
- (f) for Schedule 2 substitute the Schedule set out in Schedule 1 to these Regulations;
- (g) after Schedule 2 as substituted by paragraph (f) above, insert the Schedule set out in Schedule 2 to these Regulations.

(6) O.J. No. L 40, 11.2.89, p.34.

(7) O.J. No. L 284, 31.10.03, p.1.

(8) O.J. No. C 241, 29.8.94, p.212.

(9) O.J. No. L 236, 23.9.03, p.92.

(10) O.J. No. L 284, 31.10.03, p.1.

(11) O.J. No. L 109, 6.5.00, p.29.