

2007 No. 11

FOOD

The Food Hygiene (Scotland) Amendment Regulations 2007

Made - - - - *18th January 2007*

Laid before the Scottish Parliament *19th January 2007*

Coming into force - - *14th February 2007*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, after consultation as required by Article 9 of 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(b), hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Hygiene (Scotland) Amendment Regulations 2007 and shall come into force on 14th February 2007.

Amendments to the Food Hygiene (Scotland) Regulations 2006

2.—(1) The Food Hygiene (Scotland) Regulations 2006(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) for “Directive 2004/41” to “the meanings respectively given to them in Schedule 1” substitute—

““Directive 2004/41”, “Regulation 178/2002”, “Regulation 1642/2003”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation 2076/2005”, “Regulation 575/2006”, “Regulation 776/2006”, “Regulation 1662/2006”, “Regulation 1663/2006”, “Regulation 1664/2006”, “Regulation 1665/2006”, “Regulation 1666/2006” and “Regulation 1791/2006” have the meanings respectively given to them in Schedule 1”.

(a) 1972 c.68 (“the 1972 Act”). Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3). The function conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar as not so transferred and insofar as relating to food (including drink) including the primary production of food, that function was transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).

(b) O.J. No. L 31, 1.2.02, p.1 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4) and by Commission Regulation (EC) No. 575/2006 O.J. No. L 100, 8.4.06, p.3.

(c) S.S.I. 2006/3.

(3) For Schedule 1 (definitions of Community legislation) substitute the Schedule set out in the Schedule to these Regulations.

St Andrew's House,
Edinburgh
18th January 2007

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

“SCHEDULE 1

Definitions of Community 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(a);

“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(b) as amended by Regulation 1642/2003 and Regulation 575/2006;

“Regulation 1642/2003” means 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(c);

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(d) 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(e) as amended by Regulation 2074/2005, Regulation 2076/2005, Regulation 1662/2006 and Regulation 1791/2006 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(f) as amended by Regulation 882/2004, Regulation 2074/2005, Regulation 2076/2005, Regulation 1663/2006 and Regulation 1791/2006 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“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(g) as amended by Regulation 776/2006 and Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005;

“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

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- (a) O.J. No. L157, 30.4.04, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (O.J. No. L 195, 2.6.20, p.12).
- (b) O.J. No. L31, 1.2.02, p.1 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council O.J. No. L 245, 29.9.03, p.4 and by Commission Regulation (EC) No. 575/2006 O.J. No. L 100, 8.4.06, p.3.
- (c) O.J. No. L 245, 29.9.03, p.4.
- (d) O.J. No. L 139, 30.4.04, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.3).
- (e) O.J. No. L139, 30.4.04, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).
- (f) O.J. No. L139, 30.4.04, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.04, p.83).
- (g) O.J. No. L 165, 30.4.04, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.04, p.1).

special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(a);

“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(b);

“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(c) as amended by Regulation 1664/2006;

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(d) as amended by Regulation 1665/2006;

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements 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 and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(e) as amended by Regulation 1666/2006;

“Regulation 575/2006” means 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(f);

“Regulation 776/2006” means Commission Regulation (EC) No. 776/2006 amending Annex VII to Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards Community reference laboratories(g);

“Regulation 1662/2006” means Commission Regulation (EC) No. 1662/2006 amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(h);

“Regulation 1663/2006” means Commission Regulation (EC) No. 1663/2006 amending Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(i);

“Regulation 1664/2006” means Commission Regulation 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(j);

“Regulation 1665/2006” means Commission Regulation (EC) No. 1665/2006 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(k);

“Regulation 1666/2006” means Commission Regulation (EC) No. 1666/2006 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, EC No. 854/2004 and No. 882/2004 of the European Parliament and of the Council(l); and

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- (a) O.J. No. L 271, 15.10.05, p.17.
 - (b) O.J. No. L 338, 22.12.05, p.1.
 - (c) O.J. No. L 338, 22.12.05, p.27.
 - (d) O.J. No. L 338, 22.12.05, p.60.
 - (e) O.J. No. L 338, 22.12.05, p.83.
 - (f) O.J. No. L 100, 8.4.06, p.3.
 - (g) O.J. No. L 136, 24.5.06, p.3.
 - (h) O.J. No. L 320, 18.11.06, p.1.
 - (i) O.J. No. L 320, 18.11.06, p.11.
 - (j) O.J. No. L 320, 18.11.06, p.13.
 - (k) O.J. No. L 320, 18.11.06, p.46.
 - (l) O.J. No. L 320, 18.11.06, p.47.

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania^(a).”

(a) O.J. No. L 363, 20.12.06, p.1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Food Hygiene (Scotland) Regulations 2006 (S.S.I. 2006/3) to reflect recent amendments to the Community instruments referred to in Schedule 1 of those Regulations. They revise the list of Community instruments that is contained in regulation 2(1) (interpretation) of those Regulations and substitute a revised Schedule 1 (definitions of Community legislation) for Schedule 1 to those Regulations (regulation 2(2) and (3)).

A Regulatory Impact Assessment of the effect that those amendments to the Community instruments will have on the costs of business has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.

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