SCOTTISH STATUTORY INSTRUMENTS

2013 No. 221

AGRICULTURE
FOOD

The Specified Products from China (Restriction on First Placing on the Market) (Scotland) Amendment Regulations 2013

Made - - - -	*27th June 2013*
Laid before the Scottish Parliament - - - -	*28th June 2013*
Coming into force - -	*4th July 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Specified Products from China (Restriction on First Placing on the Market) (Scotland) Amendment Regulations 2013 and come into force on 4th July 2013.

Amendment of the Specified Products from China (Restriction on First Placing on the Market) (Scotland) Regulations 2008

2.—(1) The Specified Products from China (Restriction on First Placing on the Market) (Scotland) Regulations 2008(**2**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after "Decision 2008/289/EC" insert ", as amended by Commission Implementing Decision 2013/287/EU(**3**)".

(**1**) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46), section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The functions conferred on the Minister of the Crown under section 2(2), in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), and in so far as relating to feed, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).

(**2**) S.S.I. 2008/148 as amended by S.S.I. 2012/3.

(**3**) OJ L 162 14.6.2013, p. 10.

(3) In regulation 3(1)(a) (restriction on placing on the market of rice products) after "specified in" insert "Article 3 and".

(4) For regulation 8 substitute—

"**Transitional provision**

8.—(1) Until 5th August 2013, the prohibition in regulation 3(1) does not apply in relation to any rice product, other than a rice product which corresponds to CN Codes 1905 90 60, 1905 90 90 or 2103 90 90, provided that—

(a) the product arrived in the Union before 4th July 2013; and

(b) the placing on the market of the product would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Specified Products from China (Restriction on First Placing on the Market) (Scotland) Amendment Regulations 2013.

(2) Until 5th October 2013, the prohibition in regulation 3(1) does not apply in relation to a rice product which corresponds to CN Codes 1905 90 60, 1905 90 90 or 2103 90 90."

St Andrew's House,
Edinburgh
27th June 2013

RICHARD LOCHHEAD
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 4th July 2013, amend the Specified Products from China (Restriction on First Placing on the Market) (Scotland) Regulations 2008 (the "2008 Regulations") in order to implement Commission Implementing Decision 2013/287/EU amending Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China.

Decision 2013/287/EU adds additional categories of rice products to those that are subject to import restrictions and modifies those restrictions.

In particular, these Regulations amend the 2008 Regulations by—

(a) in regulation 2, modifying the definition of the Commission Decision to take account of Decision 2013/287/EU (regulation 2(2));

(b) amending regulation 3(1), which concerns the conditions under which rice products originating from China may be placed on the market (regulation 2(3));

(c) as regulation 8, adding a provision implementing the transitional arrangements contained in Article 9 of Decision 2011/884/EU as amended by Article 1 of Decision 2013/287/EU (regulation 2(4)).

A business and regulatory impact assessment is being prepared for this instrument and will be published once complete. Due to the emergency nature of this instrument, the Food Standards Agency was unable to complete the impact assessment before the coming into force of the instrument.