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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 333**

**FOOD**

**The Food Safety, Food Hygiene and Official Controls  
(Sprouting Seeds) (Scotland) Regulations 2013**

*Made* - - - - 19th November 2013  
*Laid before the Scottish  
Parliament* - - - - 21st November 2013  
*Coming into force* - - 31st December 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and all other powers enabling them to do so<sup>(1)</sup>. There has been 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<sup>(2)</sup>.

**Citation, extent and commencement**

1. These Regulations may be cited as the Food Safety, Food Hygiene and Official Controls (Sprouting Seeds) (Scotland) Regulations 2013, extend to Scotland only and come into force on 31st December 2013.

**Amendment to the General Food Regulations 2004**

2. In regulation 2(1) (interpretation) of the General Food Regulations 2004<sup>(3)</sup>, at the end of the definition of “Regulation (EC) No 178/2002” insert—

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- (1) 1972 c.68. Section 2(2) was amended by the [Scotland Act 1998, \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule 1, Part 1. 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 1998 Act. 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).
- (2) OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny-Part Four (OJ L 188, 18.7.2009, p.14).
- (3) S.I. 2004/3279, as amended by S.S.I. 2005/616 in relation to Scotland.

“, as read with Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin<sup>(4)</sup> and with Commission Implementing Regulation (EU) No. 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts<sup>(5)</sup>

### **Amendment to the Food Hygiene (Scotland) Regulations 2006**

**3.** In Schedule 1 (definitions of EU legislation) to the Food Hygiene (Scotland) Regulations 2006<sup>(6)</sup>, at the end of the definition of “Regulation 852/2004” insert—

“and with Commission Regulation (EU) No. 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No. 852/2004 of the European Parliament and of the Council<sup>(7)</sup>

### **Amendments to the Official Feed and Food Controls (Scotland) Regulations 2009**

**4.—(1)** The Official Feed and Food Controls (Scotland) Regulations 2009<sup>(8)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation), for the definition of “the Import Provisions” substitute—  
““the Import Provisions” means Part 3 of these Regulations, Article 14 of Regulation 882/2004 in so far as it applies to official controls to verify compliance with aspects of feed or food law not covered by Directive 97/78/EC<sup>(9)</sup>, Articles 15 to 24 of Regulation 882/2004, Regulation 669/2009 and Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts<sup>(10)</sup>”.

(3) In regulation 41 (offences and penalties), after paragraph (1) insert—

“(1A) Any person who imports into Scotland or places on the market any sprouts or seeds intended for sprouting which do not comply with the certification requirements of Article 3 of Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts commits an offence.”.

St Andrew’s House, Edinburgh  
19th November 2013

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers

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(4) OJ L 242, 20.9.2011, p.2.

(5) OJ L 68, 12.3.2013, p.16.

(6) S.S.I. 2006/3, as relevantly amended by S.S.I. 2012/75.

(7) OJ L 68, 12.3.2013, p.24.

(8) S.S.I. 2009/446, as relevantly amended by S.S.I 2013/84.

(9) Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p.9).

(10) OJ L 68, 12.3.2013, p.26.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the General Food Regulations 2004 (regulation 2), the Food Hygiene (Scotland) Regulations 2006 (regulation 3) and the Official Feed and Food Controls (Scotland) Regulations 2009 (regulation 4) in order to provide for the enforcement of the following EU Regulations:—

- (a) Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts;
- (b) Commission Regulation (EU) No 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council; and
- (c) Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts.

The above EU Regulations should be read with Commission Regulation (EU) No 209/2013 amending Regulation (EC) No 2073/2005 as regards microbiological criteria for sprouts and the sampling rules for poultry carcasses and fresh poultry meat.

A Business and Regulatory Impact Assessment 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 and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).