

**2022 No. 265**

**AGRICULTURE**

**FOOD**

**The Food Information (Transitional Provisions) (Miscellaneous  
Amendments) (Scotland) Regulations 2022**

*Made - - - - at 1.30 p.m. on 5th September 2022*

*Laid before the Scottish Parliament at 3.50 p.m. on 5th September 2022*

*Coming into force - - - - 30th September 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e) and 48(1)(c) of the Food Safety Act 1990(a) and all other powers enabling them to do so.

The Scottish Ministers have had regard to relevant advice given by Food Standards Scotland, in accordance with section 48(4A) of the Food Safety Act 1990(b).

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(c).

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- (a) 1990 c. 16 (“the 1990 Act”). Section 16(1) and section 48(1) were amended by paragraph 8 of schedule 5 of the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Amendments made by schedule 5 of the 1999 Act which extend to Scotland are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c. 46) by virtue of section 40(2) of the 1999 Act. The functions conferred on the Secretary of State under sections 16(1)(e) and 48(1)(c) of the 1990 Act, so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- (b) Section 48 was amended by section 3 of the Food (Scotland) Act 2015 (asp 1) (“the 2015 Act”), to substitute references to the Food Standards Agency for Food Standards Scotland. Section 48(6) was inserted by section 3 of the 2015 Act, in its application to Scotland, to read references to the Food Standards Agency as references to Food Standards Scotland. Subsection (4A) was inserted by paragraphs 7 and 21 of schedule 5 of the 1999 Act.
- (c) EUR 2002/178, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and amended by S.I. 2019/641 and 2022/377. S.I. 2019/641 came into force on IP completion day by virtue of paragraph 1(1) of schedule 5 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and was amended before it came into force by S.I. 2020/1504.

## PART 1

### Introduction

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Food Information (Transitional Provisions) (Miscellaneous Amendments) (Scotland) Regulations 2022 and come into force on 30 September 2022.

(2) These Regulations extend to Scotland only.

## PART 2

### Amendment of retained direct EU legislation

#### **Amendment of Commission Regulation (EC) No 589/2008**

2. In Article 30(3) (imported eggs) of Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs(a), for “for a period of 21 months beginning on the day on which IP completion day falls” substitute “for the period beginning with 30 September 2022 and ending with 31 December 2023”.

#### **Amendment of Commission Regulation (EC) No 1825/2000**

3. In Article 2 (labelling where information is not available) of Commission Regulation (EC) No 1825/2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products(b)—

- (a) in paragraph 3, for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
- (b) in paragraph 4, for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

#### **Amendment of Commission Implementing Regulation (EU) No 543/2011**

4.—(1) 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(c) is amended in accordance with paragraphs (2) and (3).

(2) In Article 7(4)(b) (mixes)(d), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

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- (a) EUR 2008/589, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and amended by S.I. 2019/1402 and S.I. 2019/1422. S.I. 2019/1402 and S.I. 2019/1422 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020. S.I. 2019/1402 was amended before it came into force by S.I. 2020/1445 and S.I. 2020/1452. S.I. 2019/1422 was amended before it came into force by S.I. 2020/1445 and S.I. 2020/1453.
  - (b) EUR 2000/1825, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16). EUR 2000/1825 is amended by S.I. 2019/822. S.I. 2019/822 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2020/1453 and S.I. 2020/1481.
  - (c) EUR 2011/543, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16).
  - (d) Article 7 is relevantly amended by S.I. 2019/822, which was amended before it came into force by S.I. 2019/1405 and S.I. 2020/1453.

- (3) In Annex 1(a) (marketing standards referred to in Article 3)—
- (a) in Part A (general marketing standards), in the second indent of point 4(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
  - (b) in Part B (specific marketing standards)—
    - (i) in Part 1 (marketing standard for apples), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (ii) in Part 2 (marketing standard for citrus fruit), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (iii) in Part 3 (marketing standard for kiwifruit), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (iv) in Part 4 (marketing standard for lettuces, curled-leaved endives and broad-leaved (Batavian) endives), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (v) in Part 5 (marketing standard for peaches and nectarines), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (vi) in Part 6 (marketing standard for pears), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (vii) in Part 7 (marketing standard for strawberries), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (viii) in Part 8 (marketing standard for sweet peppers), in the second indent of point 6(A), after “IP completion day falls,” for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (ix) in Part 9 (marketing standard for table grapes), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”,
    - (x) in Part 10 (marketing standard for tomatoes), in the second indent of point 6(A), for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

### **Amendment of Commission Implementing Regulation (EU) No 29/2012**

5. In Article 2 of Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil(b), in point (b) of the third paragraph, for “of 21 months beginning on the day on which IP completion day falls” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

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(a) Annex 1 is relevantly amended by S.I. 2019/822, which was amended before it came into force by S.I. 2019/1405 and S.I. 2020/1453.

(b) EUR 2012/29, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and amended by S.I. 2019/1422. S.I. 2019/1422 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2020/1453.

## **Amendment of Commission Delegated Regulation (EU) 2019/33**

6. In Article 46(1) (indication of the bottler, producer, importer and vendor) of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation(a)—

- (a) in point (a), for “30 September 2022” substitute “31 December 2023”, and
- (b) in point (d), for “30 September 2022” substitute “31 December 2023”.

## **PART 3**

### **Amendment of subordinate legislation**

#### **Amendment of the Quick-frozen Foodstuffs Regulations 1990**

7. In regulation 7(1D)(c) (penalties and enforcement) of the Quick-frozen Foodstuffs Regulations 1990(b), for “21 months after the day after IP completion day” substitute “31 December 2023”.

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

8. In regulation 17(9)(b)(i)(bb), (offences and penalties) of the Food Hygiene (Scotland) Regulations 2006(c), for “21 months after the day after IP completion day” substitute “31 December 2023”.

#### **Amendment of the Marketing of Horticultural Produce (Scotland) Regulations 2009**

9. In regulation 25 (transitional provisions: withdrawal from the EU) of the Marketing of Horticultural Produce (Scotland) Regulations 2009(d)—

- (a) in paragraph (1)(a), for “of 21 months beginning on IP completion day” substitute “beginning with 30 September 2022 and ending with 31 December 2023”, and
- (b) in paragraph (2)(a), for “of 21 months beginning on IP completion day” substitute “beginning with 30 September 2022 and ending with 31 December 2023”.

#### **Amendment of the Beef and Veal Labelling (Scotland) Regulations 2010**

10. After regulation 4(2) (offences under European legislation) of the Beef and Veal Labelling (Scotland) Regulations 2010(e), insert—

“(3) Paragraph (1)(a)(vi) does not apply if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before 1st January 2024, and

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(a) EUR 2019/33, incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and amended by S.I. 2020/1637, S.I. 2020/1661 and S.I. 2021/632.

(b) S.I. 1990/2615 as amended by S.S.I. 2019/285. S.S.I. 2019/285 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.S.I. 2020/372.

(c) S.S.I. 2006/3 as amended by S.S.I. 2019/285. S.S.I. 2019/285 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.S.I. 2020/372.

(d) S.S.I. 2009/225, relevantly amended by S.S.I. 2019/209. S.S.I. 2019/209 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

(e) S.S.I. 2010/402, relevantly amended by S.I. 2013/3235, S.S.I. 2018/391, and S.S.I. 2019/73.

- (b) would not have constituted a contravention of Article 15 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as that Regulation applied immediately before IP completion day.”.

### **Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013**

**11.** In regulation 15A(c) (transitional provision: withdrawal from the EU) of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013(a), for “21 months after the day after IP completion day” substitute “31 December 2023”.

### **Amendment of the Food Information (Scotland) Regulations 2014**

**12.** In regulation 10B (transitional provision: withdrawal from the EU) of the Food Information (Scotland) Regulations 2014(b)—

- (a) in paragraph (1)(a), for “30 September 2022” substitute “31 December 2023”,  
(b) in paragraph (1)(b) for “this regulation comes into force” substitute “30 September 2022”.

### **Amendment of the Caseins and Caseinates (Scotland) (No. 2) Regulations 2016**

**13.** In regulation 6A (transitional provisions: withdrawal from the EU) of the Caseins and Caseinates (Scotland) (No. 2) Regulations 2016 (c)—

- (a) in paragraph (1)(c), for “21 months after the day after IP completion day” substitute “31 December 2023”,  
(b) in paragraph (2)(c), for “21 months after the day after IP completion day” substitute “31 December 2023”.

### **Amendment of the Country of Origin of Certain Meats (Scotland) Regulations 2016**

**14.** In regulation 8 (transitional provision: withdrawal from the EU) of the Country of Origin of Certain Meats (Scotland) Regulations 2016(d)—

- (a) in paragraph (1)(a) for “30 September 2022” substitute “31 December 2023”,  
(b) in paragraph (1)(b) for “this regulation comes into force” substitute “30 September 2022”.

*MAREE TODD*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
At 1.30 p.m. on 5th September 2022

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- (a) S.S.I. 2013/266 as amended by S.S.I. 2019/285. S.S.I. 2019/285 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.S.I. 2020/372.  
(b) S.S.I. 2014/312, as amended by S.S.I. 2020/156, 2021/66, and 2021/70. S.S.I. 2021/66 was amended by S.S.I. 2021/109 in order to substitute references to “15 April 2021” to “27 May 2021”.  
(c) S.S.I. 2016/422 as amended by S.S.I. 2019/285. S.S.I. 2019/285 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.S.I. 2020/ 372.  
(d) S.S.I. 2016/84 as amended by S.S.I. 2019/33 and 2021/66. S.S.I. 2021/66 was amended by S.S.I. 2021/109 in order to substitute references to “15 April 2021” to “27 May 2021”.

## **EXPLANATORY NOTE**

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

These Regulations make amendments to transitional provisions contained in subordinate legislation and retained direct EU legislation which relate to various food labelling requirements. The amendments extend existing transitional provisions, which were due to expire on 30 September 2022, so that they continue to apply until the end of 2023.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

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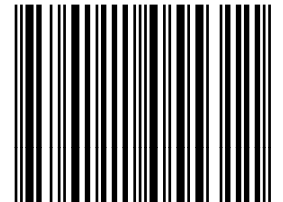
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen's Printer for Scotland.



£6.90

<http://www.legislation.gov.uk/id/ssi/2022/265>

ISBN 978-0-11-105531-1



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