
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 361

The Agriculture (Retained EU Law and Data) (Scotland)
Act 2020 (Consequential Modifications) and Agricultural
Products, Aquatic Animal Health and Genetically Modified
Organisms (EU Exit) (Amendment) Regulations 2022

PART 2

Amendment of retained direct EU legislation

Council Regulation (EC) No 1234/2007

2.—(1) Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(1) is amended as follows.

(2) In Article 113a (additional requirements for the marketing of the products of the fruit and vegetables sector)—

(a) In paragraph (4)—

- (i) from the beginning to “Article 194” substitute “Without prejudice to any regulations made under section 9 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020”,
- (ii) omit “in the Member States”,
- (iii) in the second place it occurs, for “Member States” substitute “the appropriate authority”,
- (iv) for “check selectively” substitute “ensure selective checking”.

(b) after paragraph (4) insert—

- “(4a) For the purposes of this Article—
- “the appropriate authority” is, in relation to Scotland, the Scottish Ministers,
- “third country” means any country or territory other than—
- (i) the United Kingdom;
 - (ii) the Bailiwick of Guernsey;
 - (iii) the Bailiwick of Jersey;
 - (iv) the Isle of Man.”.

(3) In Article 114(2) (marketing standards for milk and milk products)—

(1) EUR 2007/1234, repealed by EUR 2013/1308. The provisions of EUR 2007/1234 amended by regulation 2 continue to apply by virtue of Article 230(1)(c) of EUR 2013/1308, which was amended by [S.I. 2019/1422](#).

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022, Section 2. (See end of Document for details)

- (a) in the first place it occurs, for “Community law” substitute “retained EU law and regulations made under section 9(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020,”,
 - (b) for “the Community” substitute “Great Britain”.
- (4) In Article 117(1) (certification for hops), for “the Community” substitute “Great Britain”.
- (5) In Annex XIV (marketing standards for products of the eggs and poultrymeat sectors referred to in Article 116)—
- (a) in Part B (marketing standards for poultrymeat), in point I (scope)—
 - (i) in paragraph 2(a), for “the Community” substitute “Great Britain”,
 - (ii) in paragraph 3—
 - (aa) for “Member States may derogate from” substitute “Nothing in this Regulation prevents the relevant authority from using any power that authority has to provide that”,
 - (bb) after “of this Regulation” insert “do not apply”,
 - (cc) at the end, insert “The relevant authority is, in relation to Scotland, the Scottish Ministers.”,
 - (b) in Part C (marketing standards for the production and marketing of eggs for hatching and of farmyard poultry chicks), in point I (scope)—
 - (i) in the heading, after “Scope” insert “and definition of third country”,
 - (ii) in paragraph 1, for “the Community” substitute “Great Britain”,
 - (iii) after paragraph 2 insert—
 - “3. For the purposes of this Part, “third country” means any country or territory other than—
 - (i) the United Kingdom;
 - (ii) the Bailiwick of Guernsey;
 - (iii) the Bailiwick of Jersey;
 - (iv) the Isle of Man.”.
- (6) In Annex XV (marketing standards applying to spreadable fats referred to in Article 115), in Point II (labelling and presentation)—
- (a) in paragraph 1, for “[Directive 2000/13/EC](#)” substitute “Regulation (EU) 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁽²⁾”,
 - (b) in paragraph 3, for “Community” substitute “retained EU law”,
 - (c) omit paragraph 6.

Commencement Information

II [Reg. 2](#) in force at 2.2.2023, see [reg. 1](#)

(2) EUR 2011/1169.

Changes to legislation:

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