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The Environment, Food and Rural Affairs (Miscellaneous
Amendments and Revocations) (Scotland) Regulations 2018

<i>Made</i> - - - -	<i>19th December 2018</i>
<i>Laid before the Scottish Parliament</i>	<i>21st December 2018</i>
<i>Coming into force</i> - -	<i>28th February 2019</i>

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

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the references in these Regulations to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(b) to be construed as references to that Regulation as amended from time to time.

In accordance with 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), the Scottish Ministers have consulted with representative bodies during the preparation of these Regulations so far as they relate to food.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 and come into force on 28 February 2019.

(2) These Regulations extend to Scotland only.

PART 2

Amendments to legislation concerning environmental protection

The Air Quality Standards (Scotland) Regulations 2010

2. In regulation 18(4) (duties in relation to target values) of the Air Quality Standards (Scotland) Regulations 2010(d), for “Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control” substitute “the Pollution Prevention and Control (Scotland) Regulations 2012(e)”.

(a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) (“the 1998 Act”) (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 section 3(3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and was amended by Part 1 of the schedule of the 2008 Act.

(b) OJ L 347, 20.12.2013, p.671.

(c) OJ L 31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2017/228 (OJ L 35, 10.2.2017, p.10).

(d) S.S.I. 2010/204.

(e) S.S.I. 2012/360, to which there are amendments not relevant to these Regulations.

The Pollution Prevention and Control (Scotland) Regulations 2012

3.—(1) The Pollution Prevention and Control (Scotland) Regulations 2012 are amended as follows.

(2) In regulation 26 (schedule 1 conditions: large combustion plants)—

- (a) the existing text becomes paragraph (1), and
- (b) after paragraph (1), insert—

“(2) When interpreting the Industrial Emissions Directive for the purposes of this regulation, “small isolated system” means any system with consumption of less than 3000 gigawatt hours in the year 1996, where less than 5% of annual consumption is obtained through interconnection with other systems.”.

(3) In regulation 32 (schedule 1 conditions: volatile organic compounds)—

- (a) in paragraph (1)(a) after “service stations” insert “(as last amended by Decision (EU) 2018/853(a))”, and
- (b) after paragraph (2) insert—

“(3) When interpreting Directive 94/63/EC of the European Parliament and Council on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(b) for the purposes of this regulation, Article 2(k) is to be read as if the reference to Chapter 1 of Council Directive 82/714/EEC laying down technical requirements for inland waterway vessels(c) were a reference to Article 3(c), as read with Article 2, of Directive (EU) 2016/1629 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC(d).”.

(4) In paragraph 7 of schedule 2 (solvent emissions: SEPA functions)—

- (a) the existing text becomes sub-paragraph (1), and
- (b) after sub-paragraph (1) insert—

“(2) When interpreting the Industrial Emissions Directive for the purposes of this paragraph, Article 5 of the Industrial Emissions Directive is to be read as if a reference to a numbered Article of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment(e) were a reference to the same numbered Article of Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(f), as last amended by Directive 2014/52/EU of the European Parliament and of the Council(g).”.

PART 3

Amendments to legislation concerning flood risk management

Flood Risk Management (Scotland) Act 2009

4.—(1) The Flood Risk Management (Scotland) Act 2009(h) is amended as follows.

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- (a) OJ L 150, 14.6.2018, p.155.
 - (b) OJ L 365, 31.12.1994, p.24, as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1), Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1), Directive 2009/126/EC (285, 31.10.2009, p.36) and Decision (EU) 2018/853 (OJ L 150, 14.6.2018, p.155).
 - (c) OJ L 301, 28.10.1982, p.1. Chapter 1 refers to Chapter 1 of Annex II.
 - (d) OJ L 252, 16.09.2016, p.118.
 - (e) OJ L 175, 5.7.1985, p.40.
 - (f) OJ L 26, 28.1.2012, p.1.
 - (g) OJ L 124, 25.4.2014, p.1.
 - (h) 2009 asp 6.

- (2) In section 23(2) (flood risk maps)—
- (a) in paragraph (c), for “Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control” substitute “Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(a)”, and
 - (b) in paragraph (d)(vi), for “Council Directive 79/409/EEC on the conservation of wild birds” substitute “Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(b), as last amended by Council Directive 2013/17/EU(c)”.
- (3) In paragraph 4 of schedule 1 (matters to be included in flood risk management plans)(d)—
- (a) for sub-paragraph (a) substitute—
 - “(a) Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, as last amended by Directive 2014/52/EU of the European Parliament and of the Council”, and
 - (b) for sub-paragraph (b) substitute—
 - “(b) Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC(e)”.

PART 4

Amendments to legislation concerning the water environment

The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004

5.—(1) Part I of the schedule (register) of the Water Environment (Register of Protected Areas) (Scotland) Regulations 2004(f) is amended as follows.

- (2) In paragraph 2(g)—
- (a) in sub-paragraph (b), for “Council Directive 76/160/EEC of 8th December 1975 concerning the quality of bathing water” substitute “Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC(h), as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council(i)”, and
 - (b) in sub-paragraph (c)—
 - (i) in head (i), after “agricultural sources” insert “, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council(j)”, and
 - (ii) in head (ii), after “treatment” insert “, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council(k)”.

(a) OJ L 334, 17.12.2010, p.17, corrected by Corrigendum to Directive 2010/75/EU (OJ L 158, 19.6.2012, p.25).

(b) OJ L 20, 26.1.2010, p.7.

(c) OJ L 158, 10.6.2013, p.193.

(d) Paragraph 4 of schedule 1 was amended by S.I. 2011/1043.

(e) OJ L 197, 24.7.2012, p.1.

(f) S.S.I. 2004/516.

(g) Paragraph 2 of the schedule was amended by S.S.I. 2013/323.

(h) OJ L 64, 4.3.2006, p.37.

(i) OJ L 188, 18.7.2009, p.14.

(j) OJ L 311, 21.11.2008, p.1.

(k) Council Directive 91/271/EEC (OJ L 135, 30.5.1991, p.40) was last corrected by Corrigendum to Commission Directive 98/15/EC amending Council Directive 91/271/EEC with respect to certain requirements established in Annex I thereof (OJ L 189, 17.7.2015, p.41).

- (3) In paragraph 3—
- (a) in sub-paragraph (a), after “flora” insert “, as last amended by Council Directive 2013/17/EU(a)”, and
 - (b) for sub-paragraph (b), substitute—
 - “(b) Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(b), as last amended by Council Directive 2013/17/EU.”.

PART 5

Amendments to legislation concerning the water industry

The Trade Effluent (Asbestos) (Scotland) Regulations 1993

- 6.**—(1) The Trade Effluent (Asbestos) (Scotland) Regulations 1993(c) are amended as follows.
- (2) In regulation 1(2) (citation, commencement, extent and interpretation)—
- (a) omit the definition of “local authority”,
 - (b) after the definition of “asbestos”, insert the following definition—
 - ““Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002(d),” and
 - (c) after “Council Directive 87/217/EEC” insert “, as last amended by Decision (EU) 2018/853 of the European Parliament and of the Council(e),”.
- (3) In regulation 2(1) (discharges of asbestos effluent to public sewers), for “every local authority” substitute “Scottish Water”.
- (4) In regulation 3 (discharges of asbestos effluent to public sewers)—
- (a) in each place it occurs, for “a local authority” substitute “Scottish Water”, and
 - (b) in paragraph (2)(a), for “the local authority” substitute “Scottish Water”.
- (5) In regulation 4 (information required in connection with implementation of Council Directive 87/217/EEC), for “every local authority” substitute “Scottish Water”.
- (6) In regulation 5 (enforcement of duties imposed on local authorities)—
- (a) in paragraph (1), for “a local authority” and for “the authority”, in each case, substitute “Scottish Water”,
 - (b) in paragraph (2)(b), for “the authority” substitute “Scottish Water”, and
 - (c) in paragraph (3), for “the authority declared to be in default by such an order fails to comply with any requirements thereof within the time specified therein for compliance,” substitute “Scottish Water fails to comply with an order under paragraph (1),”.

The Urban Waste Water Treatment (Scotland) Regulations 1994

- 7.**—(1) The Urban Waste Water Treatment (Scotland) Regulations 1994(f) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) in the definition of “the Directive”, after “treatment” insert “, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council,”,

(a) OJ L 158, 10.6.2013, p.193.
(b) OJ L 20, 26.1.2010, p.7.
(c) S.I. 1993/1446.
(d) 2002 asp 3.
(e) OJ L 150, 14.6.2018, p.155.
(f) S.I. 1994/2842.

- (b) omit the definition of “local authority”,
 - (c) after the definition of “population equivalent”, insert the following definition—
 - ““Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002,”, and
 - (d) in the words after the definition of “urban waste water”, after “used” insert “in these Regulations and”.
- (3) In regulation 4 (duty to provide and maintain collecting systems and treatment plants), in both places it occurs, for “every local authority” substitute “Scottish Water”.
- (4) In regulation 6 (discharges of treated urban waste water), in both places it occurs, for “a local authority” substitute “Scottish Water”.
- (5) In regulation 7 (discharges of industrial waste water to collecting systems or treatment plants)—
- (a) in both places it occurs, for “every local authority” substitute “Scottish Water”,
 - (b) in each place it occurs, for “a local authority” substitute “Scottish Water”, and
 - (c) in paragraph (4)(a), for “the local authority” substitute “Scottish Water”.
- (6) In regulation 13(1) (information required in connection with implementation of the Directive)(a), for “every local authority” substitute “Scottish Water”.
- (7) In regulation 14 (enforcement of duties imposed on local authorities)—
- (a) in paragraph (1), for “a local authority” and for “the authority”, in each case, substitute “Scottish Water”,
 - (b) in paragraph (2)(b), for “the authority” substitute “Scottish Water”, and
 - (c) in paragraph (3), for “the authority declared to be in default by such an order fails to comply with any requirement thereof within the time specified therein for compliance,” substitute “Scottish Water fails to comply with an order under paragraph (1),”.
- (8) In schedule 1, in Part I (criteria for identification of sensitive areas), in sub-paragraph (b), for the words from “the concentration” to “Member States” substitute “50 mg/l of nitrates in 95% of the samples”.

PART 6

Amendments to legislation concerning waste

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

8.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(b) are amended as follows.

- (2) In regulation 2 (exemption from registration)(c)—
 - (a) in paragraph (1)(i) at the end insert “and article 17 of Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive(d), as last amended by Commission Regulation (EU) 2017/1262(e)”, and

(a) Regulation 13(1) was amended by S.I. 1996/973.
 (b) S.S.I. 1991/1624.
 (c) Regulation 2 was relevantly amended by S.S.I. 2005/22 and S.S.I. 2013/307.
 (d) OJ L 54, 26.2.2011, p.1.
 (e) OJ L 182, 13.7.2017, p.34.

- (b) in paragraph (2)—
 - (i) in the definition of “animal by-products” for the words “article 3(1)” to the end substitute “Article 3(1) of the Council Regulation,”, and
 - (ii) in the definition of “the Council Regulation” at end insert “, as last amended by Council Regulation (EU) 1385/2013(a),”.

The Controlled Waste Regulations 1992

9.—(1) The Controlled Waste Regulations 1992(b) are amended as follows.

(2) In regulation 7 (waste not to be treated as industrial or commercial waste)(c)—

- (a) in paragraph (3) for “Article 7(1) or 7(2) of the Community Regulation” substitute “Article 21(1) to (3) of the Council Regulation, and Article 17 of Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive, as last amended by Commission Regulation (EU) 2017/1262”, and

(b) for paragraph (4) substitute—

“(4) in this regulation—

“Animal by-products” has the same meaning as in Article 3(1) of the Council Regulation, and

“Council Regulation” means Regulation (EC) 1069/2009 of the European Parliament of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)(d), as last amended by Council Regulation (EU) No 1385/2013.”.

The Special Waste Regulations 1996

10.—(1) The Special Waste Regulations 1996(e) are amended as follows.

(2) In regulation 1(4) (interpretation)(f)—

(a) after the definition of “the 1990 Act” insert—

““the 2011 Regulations” means the Waste Management Licensing (Scotland) Regulations 2011(g),”, and

(b) in the definition of “the Waste Directive”, for “as last amended by” to the end substitute “, as last amended by Council Regulation (EU) 2017/997(h),”.

(3) For regulation 6(2)(c) (consignment notes: cases in which pre-notification is not required) substitute—

“(c) in the case mentioned in paragraph (1)(c), the removal is for the purposes of an operation that falls within either entry D15 in the table in Part II of schedule 4, or entry R13 in the table in Part III of schedule 4 and the consignee either—

(i) is the holder of a waste management licence which authorises the relevant operation, or

(a) OJ L 354, 28.12.2013, p.86.

(b) S.I. 1992/588.

(c) Regulation 7 was amended by S.S.I. 2005/22.

(d) OJ L 300, 14.11.2009, p.1.

(e) S.I. 1996/972.

(f) Regulation 1(4) was relevantly amended by S.S.I. 2015/438.

(g) S.S.I. 2011/228; relevant amending instruments are S.S.I. 2012/360 and S.S.I. 2012/148.

(h) OJ L 150, 14.6.2017, p.1.

- (ii) carries on any activity to which section 33(1)(a) and (b) of the 1990 Act does not apply by virtue of regulation 16 or 17 of the 2011 regulations.”.

(4) In regulation 13(4) (consignment notes: importers and exporters), for the words “Council Regulation (EEC)” to the end substitute “Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste(a), as last amended by Commission Regulation 2015/2002(b), apply.”.

(5) In regulation 15 (registers)—

- (a) in paragraph (6) for “of the 1994 Regulations” substitute “of the 2011 Regulations”, and
- (b) in paragraph (6A)(c) for “regulation 16(1)(ba) or (bb) of the 1994 Regulations” substitute “regulation 16(1)(c) or (d) of the 2011 Regulations”.

(6) In regulation 19A (mutual recognition of consignment notes)(d), for the words “form set out in the Annex” to “European Community” substitute “notification document for transboundary movements/shipments of waste set out in Annex 1A, and the movement document for transboundary movements/shipments of waste set out in Annex 1B, to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, as last amended by Commission Regulation 2015/2002”.

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000

11.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000(e) are amended as follows.

(2) In regulation 2(1) (interpretation)(f)—

- (a) in the definition of “disposal” for “as amended” substitute “as last amended by Council Regulation (EU) 2017/997”, and
- (b) in the definition of “used PCBs” at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

The Landfill (Scotland) Regulations 2003

12.—(1) The Landfill (Scotland) Regulations 2003(g) are amended as follows.

(2) In regulation 2(1) (interpretation)(h)—

- (a) in the definition of “Batteries Directive” after “accumulators” insert “, as last amended by Directive 2013/56/EU of the European Parliament and of the Council(i)”,
- (b) in the definition of “European Waste Catalogue” for “as that instrument may be amended from time to time;” substitute “as last amended by Commission Decision 2014/995/EU(j)”,
- (c) in the definition of “Landfill Directive” after “landfill of waste” insert “, as last amended by Council Directive 2011/97/EC(k)”,
- (d) omit the definition of “Mercury Regulation”, and

(a) OJ L 190, 12.7.2006, p.1.

(b) OJ L 294, 11.11.2015, p.1.

(c) Paragraph (6A) was inserted by S.S.I. 2000/323 and amended by S.S.I. 2012/360.

(d) Regulation 19A was inserted by S.S.I. 2004/112.

(e) S.S.I. 2000/95.

(f) Regulation 2(1) was amended by S.S.I. 2011/226.

(g) S.S.I. 2003/235.

(h) Regulation 2(1) was relevantly amended by S.S.I. 2009/247, S.S.I. 2013/222 and S.S.I. 2015/188

(i) OJ L 329, 10.12.2013, p.5.

(j) OJ L 370, 30.12.2014, p.44.

(k) OJ L 328, 10.12.2011, p.49.

(e) for the definition of “Waste Framework Directive” substitute—

““Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, as last amended by Council Regulation (EU) 2017/997,”.

(3) Omit regulation 10A (permits relating to storage of metallic mercury)(a).

(4) In regulation 11(2B) (prohibition of acceptance of certain wastes at landfills)(b), omit the words “in accordance with” to the end.

(5) In paragraph 3(8) of schedule 3 (protection of soil and water and leachate collection and sealing systems) omit “, having regard in particular to Directive 80/68/EEC”.

The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003

13.—(1) The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003(c) are amended as follows.

(2) In regulation 2 (interpretation)(d)—

(a) for the definition of “vehicle” substitute —

““vehicle” means—

(a) any vehicle designated as category M1 or N1 as defined in paragraph 1.1.1 or 1.2.1 of Part A of Annex II to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)(e), as last amended by Commission Regulation (EU) 2017/2400(f), and

(b) three-wheel motor vehicles within the meaning of Article 4 and Annex 1 of Regulation (EU) No 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles(g), as last amended by Commission Delegated Regulation (EU) No 134/2014(h), but excluding any vehicle of category L5e,” and

(b) in the definition of “Waste Directive” for the words “as last amended” to the end substitute “as last amended by Council Regulation (EU) 2017/997,”.

The National Waste Management Plan for Scotland Regulations 2007

14.—(1) The National Waste Management Plan for Scotland Regulations 2007(i) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “the Packaging Waste Directive” at the end insert “, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council(j),”.

(3) In regulation 2A(a) (interpretation: the Waste Directive)(k), for the words “as last amended” to the end substitute “as last amended by Council Regulation (EU) 2017/997, and”.

(a) Regulation 10A was inserted by S.S.I. 2013/222.

(b) Paragraph (2B) was inserted by S.S.I. 2013/222.

(c) S.S.I. 2003/593.

(d) Regulation 2 was relevantly amended by S.S.I. 2015/438.

(e) OJ L 263, 9.10.2007, p.1.

(f) OJ L 349, 29.12.2017, p.1.

(g) OJ L 60, 2.3.2013, p.52.

(h) OJ L 53, 21.2.2014, p.1.

(i) S.S.I. 2007/251.

(j) OJ L 115, 6.5.2015, p.11.

(k) Regulation 2A was inserted by S.S.I. 2011/226 and was amended by S.S.I. 2015/438.

The Waste Batteries (Scotland) Regulations 2009

15.—(1) The Waste Batteries (Scotland) Regulations 2009(a) are amended as follows.

(2) In regulation 2 (interpretation)(b)—

- (a) in the definition of “Batteries Directive” at the end insert “, as last amended by Directive 2013/56/EU of the European Parliament and of the Council”, and
- (b) in the definition of “waste battery” at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

The Waste Management Licensing (Scotland) Regulations 2011

16.—(1) The Waste Management Licensing (Scotland) Regulations 2011(c) are amended as follows.

(2) In regulation 2(1) (interpretation)(d)—

- (a) in the definition of “Batteries Directive” at the end insert “, as last amended by Directive 2013/56/EU of the European Parliament and of the Council”,
- (b) in the definition of “the Directive” from the words “as last amended by” to the end substitute “as last amended by Council Regulation (EU) 2017/997”,
- (c) in the first definition of “recycling” omit “, except in relation to WEEE”,
- (d) omit the second definition of “recycling”,
- (e) omit the definition of “reuse”,
- (f) in the first definition of “treatment” omit “WEEE and”,
- (g) omit the second definition of “treatment”, and
- (h) in the definition of “the WEEE Directive” for the words “Directive 2002/96/EC” to the end substitute “Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(e)”,

(3) In regulation 11 (conditions of site licences: treatment of WEEE), for “Article 6(1)” to the end substitute “Articles 8(2), (3), (5) and 9(3), and Annexes VII and VIII of the WEEE Directive.”.

(4) In regulation 19(2)(a) (exempt activities: registration requirement)(f), for “the competent authority for the purposes” to the end substitute “the Scottish Ministers, and”.

(5) In schedule 1 (activities exempt from waste management licensing)—

- (a) in paragraph 7(4)(e)(g), for “as that regulations is amended from time to time” substitute “as last amended by Council Regulation (EU) 1385/2013.”,
- (b) in paragraph 19(2)(c)(h), for “as that regulation is amended from time to time” substitute “as last amended by Council Regulation (EU) 1385/2013”,
- (c) in paragraph 23—
 - (i) in sub-paragraph (1)(i), for “regulation 8” substitute “regulation 7”, and
 - (ii) in sub-paragraph (3)(j)—
 - (aa) in the definition of “animal by-products” at the end insert “, as last amended by Council Regulation (EU) 1385/2013”, and

(a) S.S.I. 2009/247.

(b) Regulation 2 was relevantly amended by S.S.I. 2011/226.

(c) S.S.I. 2011/228.

(d) Regulation 2(1) was relevantly amended by S.S.I. 2015/438.

(e) OJ L 197, 24.7.2012, p.38.

(f) Regulation 19(2)(a) of schedule 1 was amended by S.S.I. 2012/148.

(g) Paragraph 7(4)(e) of schedule 1 was amended by S.S.I. 2012/148.

(h) Paragraph 19(2)(c) of schedule 1 was amended by S.S.I. 2012/148.

(i) Paragraph 23(1) of schedule 1 was amended by S.S.I. 2012/148.

(j) Paragraph 23(3) of schedule 1 was substituted by S.S.I. 2012/148.

- (bb) in the definition of “collection centre” at the end insert “, as last amended by Commission Regulation 2017/1262.”,
 - (d) in paragraph 43(3)(e) for “Annex III” substitute “Annex VIII”, and
 - (e) in paragraph 47—
 - (i) in sub-paragraph (1)(d) for “Annex III” substitute “Annex VIII”, and
 - (ii) in sub-paragraph (2)(d) for “Annex III” substitute “Annex VIII”.
- (6) In paragraph 1 of schedule 4 (Waste Framework Directive), in the definition of “best available techniques” for the words from “Article 2(12) of Directive” to the end substitute “regulation 4 of the Pollution Prevention and Control (Scotland) Regulations 2012(a)”.

PART 7

Amendments to legislation concerning agriculture

The Marketing of Vegetable Plant Material Regulations 1995

17. In regulation 8 (information to accompany plant material) of the Marketing of Vegetable Plant Material Regulations 1995(b)—

- (a) in paragraph (2), for “Council Directive 77/93/EEC” substitute “Council Directive 2000/29/EC(c)”, and
- (b) after paragraph (4) insert—

“(5) In this regulation, “Council Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, as last amended by Commission Implementing Directive (EU) 2017/1920(d).”.

The Crofting Counties Agricultural Grants (Scotland) Scheme 2006

18. In paragraph 2(1) (interpretation) of the Crofting Counties Agricultural Grants (Scotland) Scheme 2006(e) omit the definition of “Commission Delegated Regulation 640/2014”.

The EC Fertilisers (Scotland) Regulations 2006

19. In regulation 2(1) (interpretation) of the EC Fertilisers (Scotland) Regulations 2006(f), in the definition of “the Community Regulation”, after “fertilisers” insert “, as last amended by Commission Regulation (EU) 2016/1618(g)”.

The Marketing of Horticultural Produce (Scotland) Regulations 2009

20.—(1) The Marketing of Horticultural Produce (Scotland) Regulations 2009(h) are amended as follows.

(a) S.S.I. 2012/360.
 (b) S.I. 1995/2652; relevant amending instrument is S.S.I. 2007/113.
 (c) OJ L 169, 10.7.2000, p.1.
 (d) OJ L 271, 20.10.2017, p.34.
 (e) S.S.I. 2006/24; relevant amending instrument is S.S.I. 2015/105.
 (f) S.S.I. 2006/543.
 (g) OJ L 242, 9.9.2016, p.24.
 (h) S.S.I. 2009/225.

(2) In regulation 2(1) (interpretation)(a), for the definition of “Council Regulation 2013” substitute—

““Council Regulation 2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(b), as amended from time to time.”.

(3) In regulation 10(3) (authorised officer: powers to control the movement of horticultural produce)(c), for “operator” substitute “person on whom the notice is served”.

The Less Favoured Area Support Scheme (Scotland) Regulations 2010

21. In regulation 1(3) (citation, commencement, extent and application) of the Less Favoured Area Support Scheme (Scotland) Regulations 2010(d), after “2009” insert “or the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(e)”.

The Seed Potatoes (Scotland) Regulations 2015

22.—(1) The Seed Potatoes (Scotland) Regulations 2015(f) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “Commission Decision 2004/842/EC”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2016/320(g)”.

(3) In paragraph 2 of schedule 2 (certification and grading: source material requirements, other requirements and tolerances), in Table I (pre-basic seed potatoes), in column 4 of the entry relating to Union Grade PB, for paragraph (c) substitute—

“(c) Potato Virus Y, Potato Virus A and Potato Leafroll Virus – nil.”.

PART 8

Amendments to legislation concerning animal health

The Diseases of Poultry (Scotland) Order 2003

23.—(1) The Diseases of Poultry (Scotland) Order 2003(h) is amended as follows.

(2) In article 3(1) (interpretation)—

(a) after the definition of “Chief Veterinary Officer” insert—

““Council Directive 2005/94/EC” means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC(i), as last amended by Commission Implementing Decision (EU) 2018/662(j),”.

(b) omit the definition “Council Directive 92/40/EEC”,

(a) Regulation 2(1) was relevantly amended by S.I. 2013/3235.

(b) OJ L 347, 20.12.2013, p.671.

(c) Regulation 10(3) was amended by S.S.I. 2011/324.

(d) S.I. 2010/273, to which there are amendments not relevant to these Regulations.

(e) S.I. 2014/3263, to which there are amendments not relevant to these Regulations.

(f) S.S.I. 2015/395, to which there are amendments not relevant to these Regulations.

(g) OJ L 60, 5.3.2016, p.88.

(h) S.S.I. 2003/354, to which there are amendments not relevant to these Regulations.

(i) OJ L 10, 14.1.2006, p.16.

(j) OJ L 110, 30.4.2018, p.134.

- (c) in the definition of “Council Directive 92/66/EEC” after “Newcastle disease” insert “, as last amended by Directive (EU) 2018/597 of the European Parliament and of the Council(a)”, and
 - (d) in the definition of “disinfect”, for “the Diseases of Animals (Approved Disinfectants) Order 1978(b)” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008(c)”.
- (3) In article 6(3) (veterinary inquiry as to the existence of a designated disease), for “Annex III of Council Directive 92/40/EEC” substitute “Article 50 of Council Directive 2005/94/EC”.
- (4) In schedule 1 (premises where a designated disease is suspected or confirmed)—
- (a) in paragraph 6 (restriction on removal of eggs), for “article 4.2(e) of and Annex I to Council Directive 92/40/EEC” substitute “Article 7(2)(f) of, and Annex III to, Council Directive 2005/94/EC”, and
 - (b) in paragraph 11 (disinfection and restocking), for “Annex II of Council Directive 92/40/EEC” substitute “Annex VI to Council Directive 2005/94/EC”.

The Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005

24.—(1) The Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005(d) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “the Commission Decision”, substitute—

““the Commission Decision” means “Commission Decision 2007/598/EC concerning measures to prevent the spread of highly pathogenic avian influenza to other captive birds kept in zoos and approved bodies, institutes or centres in Member States(e)”,”.

(3) Omit regulation 4(6) (risk assessment and imposition of restrictions).

The Foot-and-Mouth Disease (Scotland) Order 2006

25.—(1) The Foot-and-Mouth Disease (Scotland) Order 2006(f) is amended as follows.

(2) In article 2(1) (interpretation)(g), in the definition of “Regulation (EU) No 142/2011”, omit “as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation”.

(3) In article 43(1)(b)(ii) (further provision relating to certain premises), for “regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000” substitute “paragraph 4 of Part 1 of schedule 2 of the Trade in Animals and Related Products (Scotland) Regulations 2012(h)”.

(4) In paragraph 4(a) of schedule 1 (cleansing and disinfection of premises), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

(5) In schedule 4 (measures applicable in protection zones and surveillance zones)—

- (a) in paragraph 25(2)(a)(i) (collection, transport and processing of milk and milk products produced in a protection zone), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009(i)”, and

(a) OJ L 103, 23.4.2018, p.4.

(b) S.I. 1978/32, revoked in relation to Scotland by S.S.I. 2008/219.

(c) S.S.I. 2008/219, to which there are amendments not relevant to these Regulations.

(d) S.S.I. 2005/531, to which there are amendments not relevant to these Regulations.

(e) OJ L 230, 1.9.2007, p.20.

(f) S.S.I. 2006/44.

(g) Article 2(1) was relevantly amended by S.S.I. 2011/171 and 2013/307.

(h) S.S.I. 2012/177, to which there are amendments not relevant to these Regulations.

(i) S.S.I. 2009/45, to which there are amendments not relevant to these Regulations.

(b) in paragraph 32(2)(a)(i) (collection, transport and processing of raw milk produced in a surveillance zone), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

(6) In paragraph 2 (hides and skins) of schedule 5 (treatment of products to ensure the destruction of disease virus)(a), after “point 28(c) and (d)” insert “of Annex I”.

(7) In paragraph 1 of schedule 8 (movement of horses), from “Annex C” to the end substitute—

“Annex III of Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(b) and an identification document as provided for in Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)(c).”.

The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006

26.—(1) The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006(d) are amended as follows.

(2) In regulation 2(1) (interpretation)(e)—

(a) in the definition of “Regulation (EC) No 1069/2009”, at the end insert “, as last amended by Council Regulation (EU) No 1385/2013(f)”, and

(b) in the definition of “Regulation (EU) No 142/2011”, omit “as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation”.

(3) In regulation 7 (disinfection)—

(a) in paragraph (a), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008 (“the 2008 Order”)”, and

(b) in paragraph (b), for “the 1978 Order” substitute “the 2008 Order”.

(4) In regulation 10(1)(b)(ii) (exemption from slaughter for certain susceptible animals), at the end insert “, as last amended by Commission Implementing Decision (EU) 2017/2174(g)”.

(5) In regulation 11(2) (prohibition on vaccination except under licence)—

(a) in sub-paragraph (a) for “the Specified Animal Pathogens Order 1998”, substitute “the Specified Animal Pathogens (Scotland) Order 2009”, and

(b) in sub-paragraph (b) for “section 32 of the Medicines Act 1968”, substitute “paragraph 9 of schedule 4 of the Veterinary Medicines Regulations 2013(h)”.

(6) In regulation 12(1)(b)(ii)(bb) (factors informing a decision to permit suppressive vaccination or protective vaccination), for “regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000” substitute “paragraph 4 of Part 1 of schedule 2 to the Trade in Animals and Related Products (Scotland) Regulations 2012”.

(7) In regulation 23(1) (marking of cattle passports)—

(a) omit “or” after sub-paragraph (b),

(b) after sub-paragraph (c) insert—

“, or

(a) Paragraph 2 of schedule 5 was amended by S.S.I. 2011/171 and S.S.I. 2013/307.

(b) OJ L 192, 23.7.2010, p.1, to which there are amendments not relevant to these Regulations.

(c) OJ L 59, 3.3.2015, p.1.

(d) S.S.I. 2006/45.

(e) Regulation 2(1) was relevantly amended by S.S.I. 2011/171 and S.S.I. 2013/307.

(f) OJ L 354, 28.12.2013, p.86.

(g) OJ L 306, 22.11.2017, p.28.

(h) S.I. 2013/2033, to which there are amendments not relevant to these Regulations.

- (d) a cattle passport issued under Council Regulation (EC) No 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products^(a) or Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97^(b), as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council^(c).”.

(8) In paragraph 13(2)(a)(i) (collection, transport and processing of milk produced in a vaccination zone) of the schedule (measures applicable in respect of a vaccination zone), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006

27.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006^(d) is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2018/662”,
- (b) in the definition of “dispose”, for “the Animal By-Products (Scotland) Regulations 2003” substitute “the Animal By-Products (Enforcement) (Scotland) Regulations 2013^(e)”, and
- (c) in the definition of “regulated place”, for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

(3) In article 3(5) (scope of the Act and of the Order), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

(4) In article 65(4)(a) (cleansing, disinfection and treatment), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

(5) In article 70(3) (designation of premises to which things may be moved)^(f)—

- (a) in sub-paragraph (a), for “section 8 of the Medicines Act 1968” substitute “regulation 17 of the Human Medicines Regulations 2012^(g)”,
- (b) in sub-paragraph (b), for “the Veterinary Medicines Regulations 2005” substitute “the Veterinary Medicines Regulations 2013”, and
- (c) in sub-paragraph (d), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006

28.—(1) The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006^(h) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2018/662”,

(a) OJ L 117, 7.5.1997, p.1

(b) OJ L 204, 11.8.2000, p.1.

(c) OJ L 189, 27.6.2014, p.33.

(d) S.S.I. 2006/336.

(e) S.S.I. 2013/307, to which there are amendments not relevant to these Regulations.

(f) Article 70(3) was amended by S.I. 2012/2039.

(g) S.I. 2012/1916; relevant amending instrument is S.I. 2013/1855.

(h) S.S.I. 2006/337, to which there are amendments not relevant to these Regulations.

- (b) after the definition of “preventive vaccination” insert—
 - ““Regulation (EC) No 852/2004” means Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(a), as last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council(b),
 - “Regulation (EC) No 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(c), as last amended by Commission Regulation (EU) 2017/1981(d),”, and
 - (c) in the definition of “slaughterhouse”, in paragraph (a), after “rules” insert “, as last amended by Commission Regulation (EU) 2018/455(e)”.
- (3) In regulation 11(2) (prohibition on vaccination)—
- (a) in sub-paragraph (a), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”, and
 - (b) in sub-paragraph (b), for “the Veterinary Medicines Regulations 2005” substitute “the Veterinary Medicines Regulations 2013”.

The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007

29.—(1) The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007(f) is amended as follows.

- (2) In article 2 (interpretation)(g)—
 - (a) in the definition of “Regulation (EC) No. 853/2004”, at the end insert “, as last amended by Commission Regulation (EU) 2017/1981”,
 - (b) in the definition of “Regulation (EC) 1069/2009”, at the end insert “, as last amended by Council Regulation (EU) No 1385/2013”, and
 - (c) in the definition of “Regulation (EU) No 142/2011”, omit the words “as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation”.
- (3) In article 18(1)(a) (cleansing and disinfection), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.
- (4) In paragraph 9(2)(a) (restriction on the movement of controlled meat out of a wild bird control area) of schedule 1 (measures applicable in respect of a wild bird control), at the end insert “, as last amended by Commission Implementing Regulation (EU) 2018/981(h)”.

The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007

30.—(1) The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007(i) is amended as follows.

- (2) In article 2 (interpretation)(j)—
 - (a) in the definition of “the Commission Decision”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2017/2410(k)”,

(a) OJ L 139, 30.4.2004, p.1.
 (b) OJ L 87, 31.3.2009, p.109, to which there are amendments not relevant to these Regulations.
 (c) OJ L 139, 30.4.2004, p. 55.
 (d) OJ L 285, 1.11.2017, p.10.
 (e) OJ L 77, 20.3.2018, p.4.
 (f) S.S.I. 2007/61.
 (g) Article 2(1) was amended by S.S.I. 2011/171 and S.S.I. 2013/307.
 (h) OJ L 176, 12.7.2018, p.11.
 (i) S.S.I. 2007/62.
 (j) Article 2 was amended by S.S.I. 2011/171 and S.S.I. 2013/307.
 (k) OJ L 342, 21.12.2017, p.13.

- (b) in the definition of “Regulation (EC) No 1069/2009”, at the end insert “, as last amended by Council Regulation (EU) No 1385/2013”, and
 - (c) in the definition of “Regulation (EU) No 142/2011”, omit “as last amended by Commission Regulation (EU) 717/2013; and references to that Regulation of 2011 are references to that Regulation”.
- (3) In article 11(2)(b) (restrictions on the movement of wild game bird products)—
- (a) in sub-paragraph (i), after “animal origin” insert “as last amended by Commission Regulation (EU) 2017/1981”, and
 - (b) in sub-paragraph (ii), after “consumption” insert “, as last amended by Commission Implementing Regulation (EU) 2018/981”.
- (4) In article 12 (requirements for the marking of wild game bird meat and meat products)—
- (a) in paragraph (1)—
 - (i) omit “or” after sub-paragraph (a), and
 - (ii) omit sub-paragraph (b), and
 - (b) omit paragraph (2).
- (5) In article 17(1)(a) (cleansing and disinfection), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

The Cattle Identification (Scotland) Regulations 2007

31. In regulation 2(1) (interpretation) of the Cattle Identification (Scotland) Regulations 2007(a), in the definition “Commission Regulation (EC) No. 911/2004”, at the end insert “, as last amended by Commission Implementing Regulation (EU) 2017/949(b)”.

The Zoonoses (Monitoring) (Scotland) Regulations 2007

32.—(1) The Zoonoses (Monitoring) (Scotland) Regulations 2007(c) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “the Directive”, at the end insert “, as last amended by Council Directive 2013/20/EU(d)”.

(3) In regulation 6(2) (examination of isolates), for “the Poultry Breeding Flocks and Hatcheries (Scotland) Order 2007” substitute “the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009(e)”.

The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009

33.—(1) The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009(f) is amended as follows.

(2) In article 2(1) (interpretation), in the definition of “the Council Regulation”, at the end insert “, as last relevantly amended by Council Regulation (EU) No 517/2013(g)”.

(3) In article 9(4) (animals sent for export), at the end insert “, as last relevantly amended by Commission Implementing Decision (EU) 2016/2002(h)”.

(a) S.S.I. 2007/174, to which there are amendments not relevant to these Regulations.
 (b) OJ L 143, 3.6.2017, p.1.
 (c) S.S.I. 2007/420.
 (d) OJ L 158, 10.6.2013, p.234.
 (e) S.S.I. 2009/229, to which there are amendments not relevant to these Regulations.
 (f) S.S.I. 2009/414.
 (g) OJ L 158, 10.6.2013, p.1.
 (h) OJ L 308, 16.11.2016, p.29.

The Control of Salmonella in Turkey Flocks (Scotland) Order 2009

34.—(1) The Control of Salmonella in Turkey Flocks (Scotland) Order 2009(a) is amended as follows.

(2) In article 2 (interpretation), for the definition of “Regulation 584/2008” substitute—

““Regulation (EU) No 1190/2012” means Commission Regulation (EU) No 1190/2012 concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council(b),”.

(3) In article 3(a) (competent authority), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

(4) In article 5(a) (sampling), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

(5) In article 7(1) (submission of samples to an approved laboratory), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

(6) In article 9 (duties of the person in charge of a laboratory), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

The Trade in Animals and Related Products (Scotland) Regulations 2012

35.—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(c) is amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Commission Decision 92/260/EEC”,

(b) after the definition of “Council Directive 97/78/EC” insert—

““Commission Implementing Regulation (EU) 2018/659” means Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae(d), as last amended by Commission Implementing Regulation (EU) 2018/1301(e),”.

(c) in the definition of “Commission Decision 2007/275/EC”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2016/1196(f)”,

(d) in the definition of “Council Directive 64/432/EEC”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2015/819(g)”,

(e) in the definition of “Council Directive 91/68/EEC”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2016/2002”,

(f) in the definition of “Council Directive 92/65/EEC”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2017/2174”,

(g) in the definition of “Regulation (EC) No 1069/2009”, at the end insert “, as last amended by Council regulation (EU) No 1385/2013”, and

(h) omit the definition of “Regulation (EC) No 450/2008”.

(a) S.S.I. 2009/417, to which there are amendments not relevant to these Regulations.

(b) OJ L 340, 13.12.2012, p.29, corrected by Corrigendum to Commission Regulation (EU) No 1190/2012 (OJ L 68, 13.3.2015, p.91).

(c) S.S.I. 2012/177, to which there are amendments not relevant to these Regulations.

(d) OJ L 110, 30.4.2018, p.1.

(e) OJ L 244, 28.9.2018, p.10.

(f) OJ L 197, 22.7.2016, p.10.

(g) OJ L 129, 27.5.2015, p.28.

(3) In regulation 5(4) (movement of animals and genetic material between member states), from “Council Directive” to the end substitute—

“Commission Delegated Regulation (EU) 2017/1940 supplementing Regulation (EU) 2016/1012 of the European Parliament and of the Council as regards the content and format of zootechnical certificates issued for purebred breeding animals of the equine species contained in a single lifetime identification document for equidae(a).”.

(4) In regulation 21(5) (action following non-compliance – animals), for “Commission Decision 92/260/EEC” substitute “Commission Implementing Regulation (EU) 2018/659”.

(5) For regulation 24 (admission of products into warehouses) substitute—

“Admission of products into warehouses

24. No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone or a customs warehouse (which have the same meaning as in Title VII, Chapter 3, Section 2 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(b)).”.

(6) In regulation 27(3) (enforcement), from “Articles” to the end substitute—

“Articles 134 and 135 of Regulation (EU) 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.”.

(7) In regulation 30(2)(a) (consignments from another member state constituting a risk to health), for “the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997” substitute “the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015(c)”.

(8) In schedule 2 (additional requirements in specific cases)—

(a) in paragraph 3 (poultry health scheme), after “eggs” insert “, as last relevantly amended by Commission Implementing Decision 2011/879/EU(d)”,

(b) in paragraph 8(1) (imported birds), from “Commission” to the end substitute “Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof(e).”, and

(c) in paragraph 9 (horses), for “Commission Decision 92/260/EEC” substitute “Commission Implementing Regulation (EU) 2018/659”.

(9) In schedule 3 (cases to which Part 3 does not apply), in paragraph 1 (case 1: personal imports and small consignments), at the end insert “, as last amended by Commission Regulation (EU) No 519/2013(f)”.

(a) OJ L 275, 25.10.2017, p.1.

(b) OJ L 269, 10.10.2013, p.1, to which there are amendments not relevant to these Regulations.

(c) S.I. 2015/787.

(d) OJ L 343, 23.12.2011, p.105.

(e) OJ L 47, 20.2.2013, p.1.

(f) OJ L 158, 10.6.2013, p.74, to which there are amendments not relevant to these Regulations.

PART 9

Amendments to legislation concerning animal welfare

The Welfare of Farmed Animals (Scotland) Regulations 2010

36. In paragraph 1 (interpretation) of schedule 2 (additional conditions that apply to the keeping of conventionally reared meat chickens) of the Welfare of Farmed Animals (Scotland) Regulations 2010(a), in the definition of—

- (a) “Regulation 853/2004”, and
- (b) “Regulation 854/2004”,

in each case, at the end insert “, as last amended by Commission Regulation (EU) 218/2014(b)”.

PART 10

Amendments to legislation concerning food

The Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990

37.—(1) The Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “authorised officer”, and
- (b) for the definition of “the Council Regulation” substitute—

““the Council Regulation” means Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products(d), as last amended by Commission Regulation (EC) No 1345/2008(e)”.

(3) In the schedule (specified community provisions), insert the following entry at the appropriate place in the first and second column—

“8. Article 7a	Requirements relating to the marketing of preserved sardine-type products.”.
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The Milk and Dairies (Scotland) Regulations 1990

38. In regulation 2(1) (interpretation and enforcement) of the Milk and Dairies (Scotland) Regulations 1990(f), in the definition of “milk”, from the words “point III(1)(b)” to “1234/2007” substitute “point III(1)(b) of Part IV of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(g)”.

(a) S.S.I. 2010/388.

(b) OJ L 69, 8.3.2014, p. 95.

(c) S.I. 1990/1139, to which there are amendments not relevant to these Regulations.

(d) OJ L 212, 22.7.1989, p.79. The title of Council Regulation (EEC) No 2136/89 was amended by Article 1 of Commission Regulation (EC) No 1181/2003 (OJ L 165, 3.7.2003, p.17).

(e) OJ L 348, 24.12.2008, p.76.

(f) S.I. 1990/2507; relevant amending instruments are S.I. 1992/3136, S.I. 1998/2424 and S.I. 2013/3235.

(g) OJ L 347, 20.12.2013, p.671, as last amended by Regulation (EU) 2017/2393 (OJ L 350, 29.12.2017, p.15).

The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004

39.—(1) The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004(a) are amended as follows.

(2) In the schedule, after the entry for “Commission Implementing Regulation (EU) No 1033/2014” insert the following entry—

“Commission Delegated Regulation (EU) 2016/1238 supplementing Regulation (EU) 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage(b), as last amended by Commission Delegated Regulation (EU) 2018/149(c).”.

The Sea Fish (Marketing Standards) (Scotland) Regulations 2004

40. In regulation 2 (interpretation) of the Sea Fish (Marketing Standards) (Scotland) Regulations 2004(d), for the definition of “Regulation 2406/96” substitute—

““Regulation 2406/96” means Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products(e), as last amended by Commission Regulation (EC) No 790/2005(f), read with Commission Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish(g), as last amended by Commission Regulation (EC) No 1115/2006(h).”.

The Beef and Veal Labelling (Scotland) Regulations 2010

41.—(1) The Beef and Veal Labelling (Scotland) Regulations 2010(i) are amended as follows.

(2) In regulation 2 (interpretation)(j)—

(a) in the definition of “Commission Regulation 566/2008” at the end insert “, as last amended by Commission Implementing Regulation (EU) No 565/2013(k)”,

(b) for the definition of “the EU Regulation” substitute—

““the EU Regulation” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 as amended from time to time”, and

(c) in the definition of “Regulation 1760/2000” at the end insert “, as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council(l)”.

(3) In regulation 4(1)(a) (offences under European legislation)—

(a) insert “and” at the end of head (vi), and

(b) for heads (vii) and (viii) substitute—

“(vii) the first and second sub-paragraphs of Article 15a (voluntary labelling: general rules).”.

(a) S.S.I. 2004/278; relevant amending instruments are S.S.I. 2015/167 and S.S.I. 2017/178.

(b) OJ L 206, 30.7.2016, p.15.

(c) OJ L 26, 31.1.2018, p.11.

(d) S.S.I. 2004/498, to which there are amendments not relevant to these Regulations.

(e) OJ L 334, 23.12.1996, p.1.

(f) OJ L 132, 26.5.2005, p.15.

(g) OJ L 351, 28.12.1985, p.63.

(h) OJ L 199, 21.7.2006, p.6.

(i) S.S.I. 2010/402.

(j) Regulation 2 was amended by S.I. 2013/3235.

(k) OJ L 167, 19.6.2013, p.26.

(l) OJ L 189, 27.6.2014, p.33.

The Drinking Milk (Scotland) Regulations 2011

- 42.**—(1) The Drinking Milk (Scotland) Regulations 2011(a) are amended as follows.
- (2) In regulation 2 (interpretation)(b)—
- (a) in paragraph (1)—
- (i) for the definition of “the Annex” substitute—
- ““the Annex” means Part IV of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1307/2001 and (EC) No 1234/2007,”
- (ii) for the definition of “Article 114(2)” substitute—
- ““Article 78(2)” means Article 78(2) of the EU Regulation,” and
- (iii) for the definition of “the Council Regulation” substitute—
- ““the EU Regulation” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1307/2001 and (EC) No 1234/2007, as amended from time to time,”
- (b) in paragraph (2), in each place it occurs, for “Council Regulation” substitute “EU Regulation”, and
- (c) in paragraph (3), in each place it occurs, for “Article 114(2)” substitute “Article 78(2)”.
- (3) In regulation 3 (sale or delivery of milk and use of sales description), for “Article 114(2)” substitute “Article 78(2)”.
- (4) In regulation 5(3) (enforcement), for “Article 114(2)” substitute “Article 78(2)”.
- (5) Regulation 9 (amendments) is revoked.

The Poultrymeat (Scotland) Regulations 2011

- 43.**—(1) The Poultrymeat (Scotland) Regulations 2011(c) are amended as follows.
- (2) In regulation 1(4) (citation, commencement, extent and application), omit the words from “, excluding poultrymeat” to the end.
- (3) In regulation 2(1) (interpretation)(d), for the definition of “Council Regulation 2013” substitute—
- ““Council Regulation 2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time,”
- (4) In schedule 1 (European poultrymeat provisions contravention of which is an offence)—
- (a) in Part 1 (provisions of the single CMO Regulation or the Council Regulation 2013), in the table omit row 2, and
- (b) in Part 2 (provisions of the Commission Regulation), in column 2 of the table, in row 10 for the words from “Point III(I)” to “CMO Regulation” substitute “Part V of Annex VII to Council Regulation 2013”.

(a) S.S.I. 2011/84.

(b) Regulation 2(1) was amended by S.I. 2013/3235.

(c) S.S.I. 2011/318; relevant amending instrument is S.I. 2013/3235.

(d) Regulation 2(1) was amended by S.I. 2013/3235.

PART 11

Repeals and revocations of legislation concerning food

Repeals and revocations

44. The schedule has effect.

St Andrew's House,
Edinburgh
19th December 2018

R CUNNINGHAM
A member of the Scottish Government

SCHEDULE

Regulation 44

REPEALS AND REVOCATIONS

PART 1

Primary legislation

1. The enactments listed in column 1 of the Table are repealed to the extent specified in column 3 of the Table.

<i>Column 1 Legislation repealed</i>	<i>Column 2 Reference</i>	<i>Column 3 Extent of repeal</i>
Milk (Cessation of Production) Act 1985 ^(a)	1985 c.4	The whole Act
Agriculture Act 1986	1986 c.49	Sections 14, 16 and schedule 2
Agricultural Holdings (Scotland) Act 1991	1991 c.55	Paragraphs 43, 44 and 48 to 53 of schedule 11
Agricultural Holdings (Scotland) Act 2003	2003 asp 11	Paragraphs 8 to 10 of the schedule

PART 2

Subordinate legislation

2. The instruments listed in column 1 of the Table are revoked to the extent specified in column 3 of the Table.

<i>Column 1 Instruments revoked</i>	<i>Column 2 Reference</i>	<i>Column 3 Extent of revocation</i>
The Milk Marketing Boards (Special Conditions) Regulations 1981	S.I. 1981/322	The whole Regulations
The Milk Quota (Calculation of Standard Quota) (Scotland) Order 1986	S.I. 1986/1475	The whole Order
The Milk Quota (Calculation of Standard Quota) (Scotland) Amendment Order 1992	S.I. 1992/1152	The whole Order
The Organic Aid (Scotland) Regulations 1994	S.I. 1994/1701	The whole Regulations, insofar as not previously revoked
The Scottish Milk Marketing Board (Residual Functions) Regulations 1994	S.I. 1994/2591	The whole Regulations
The Organic Aid (Scotland)	S.I. 1996/3083	The whole Regulations

(a) The Milk (Cessation of Production) Act 1985 was repealed insofar as it extends to England and Wales and Northern Ireland by paragraph 39 of schedule 23 of the Deregulation Act 2015 (c.20). Paragraph 39 of schedule 23 of that Act extends to England and Wales and Northern Ireland by virtue of section 114 of that Act.

Amendment Regulations 1996		
The Selective Cull (Enforcement of Community Compensation Conditions) Regulations 1996(a)	S.I. 1996/3186	The whole Regulations
The Bovine Hides Regulations 1997(b)	S.I. 1997/813	The whole Regulations
The Organic Aid (Scotland) Amendment Regulations 1999	S.S.I. 1999/107	The whole Regulations
The Highland and Islands Agricultural Processing and Marketing Grants Etc. (Scotland) Regulations 2001	S.S.I. 2001/40	The whole Regulations, insofar as not previously revoked
The Agricultural Processing and Marketing Grants (Scotland) Regulations 2001	S.S.I. 2001/220	The whole Regulations
The Dairy Produce Quotas (General Provisions) Regulations 2002	S.I. 2002/458	The whole Regulations, insofar as not previously revoked
The Scottish Milk Marketing Board (Dissolution) Order 2003	S.S.I. 2003/534	The whole Order
The Agricultural Holdings (Consequential Amendments) (Scotland) Order 2003	S.S.I. 2003/583	Paragraph 9 of schedule 1
The Organic Aid (Scotland) Regulations 2004	S.S.I. 2004/143	The whole Regulations
The Organic Aid (Scotland) Amendment Regulations 2004	S.S.I. 2004/174	The whole Regulations
The Dairy Produce Quotas (Scotland) Regulations 2005	S.S.I. 2005/91	The whole Regulations
The Dairy Produce Quotas Regulations 2005	S.I. 2005/465	The whole Regulations, insofar as not previously revoked
The Organic Aid (Scotland) Amendment Regulations 2005	S.S.I. 2005/619	The whole Regulations
The Older Cattle (Disposal) (Scotland) Regulations 2006	S.S.I. 2006/4	The whole Regulations
The Older Cattle (Disposal) (Scotland) Amendment Regulations 2006	S.S.I. 2006/82	The whole Regulations
The Dairy Produce Quotas (Scotland) Amendment Regulations 2006	S.S.I. 2006/119	The whole Regulations
The Dairy Produce Quotas (Amendment) Regulations 2006	S.I. 2006/120	The whole Regulations
The Dairy Produce Quotas (Amendment) Regulations 2007	S.I. 2007/106	The whole Regulations

(a) S.I. 1996/3186 was revoked insofar as it extends to England by S.I. 2015/639 and insofar as it extends to Wales by S.I. 2018/968 (W. 195).

(b) S.I. 1997/813 was revoked insofar as it extends to England by S.I. 2015/639 and insofar as it extends to Wales by S.I. 2018/968 (W. 195).

The Dairy Produce Quotas (Scotland) Amendment Regulations 2007	S.S.I. 2007/118	The whole Regulations, insofar as not previously revoked
The Dairy Produce (Miscellaneous Provisions) Regulations 2007	S.I. 2007/477	The whole Regulations
The Dairy Produce Quotas (General Provisions) (Amendment) Regulations 2008	S.I. 2008/438	The whole Regulations
The Dairy Produce Quotas (Amendment) Regulations 2008	S.I. 2008/439	The whole Regulations
The Dairy (Specific Market Support Measure) Regulations 2010	S.I. 2010/1085	The whole Regulations
The Dairy Produce Quotas (Scotland) Amendment Regulations 2011	S.S.I. 2011/83	The whole Regulations
The Rural Payments (Appeals) (Scotland) Regulations 2015	S.S.I. 2015/194	Paragraphs 14 and 19 of the schedule
The Land Reform (Scotland) Act 2016 (Consequential and Saving Provisions) Regulations 2016	S.S.I. 2016/366	The whole Regulations
The Land Reform (Scotland) Act 2016 (Supplementary, Consequential, Transitory and Saving Provisions) Regulations 2017	S.S.I. 2017/416	Paragraph 6 of schedule 1

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the legislation referred to below. The amendments update references to a number of EU instruments referred to therein, and make consequential repeals and revocations of primary and secondary legislation due to updates in EU law.

Part 2 amends legislation concerning environmental protection. Regulation 2 updates a reference to an EU instrument which has been recast with a reference to the appropriate domestic legislation. Regulation 3 replaces references in the Pollution Prevention and Control (Scotland) Regulations 2012 to out of date EU instruments with either equivalent text or references to current EU instruments.

Part 3 amends legislation concerning flood risk management; Part 4 amends legislation concerning the water environment and Part 5 amends legislation concerning the water industry. In addition, Part 5 amends water industry legislation to replace references to “local authority” with “Scottish Water”.

Part 6 makes amendments to various secondary legislation concerning waste. The amendments update references to EU instruments and remove references to EU instruments which are no longer in force. Where appropriate, references to repealed EU instruments are replaced with references to domestic or EU equivalents.

Part 7 amends agriculture legislation to update references to domestic and EU instruments. It also amends the Crofting Counties Agricultural Grants (Scotland) Scheme 2006, the Marketing of Horticultural Produce (Scotland) Regulations 2009 and the Seed Potatoes (Scotland) Regulations 2015 to correct errors in drafting.

Part 8 amends animal health legislation to update references to domestic and EU instruments. It also amends the Foot-and-Mouth Disease (Scotland) Order 2006 and the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006 to correct errors in drafting.

Part 9 updates references in the Welfare of Farmed Animals (Scotland) Regulations 2010 to two EU Regulations, in order to take account of subsequent relevant amendments to those EU Regulations.

Part 10 updates references to a number of EU instruments in secondary legislation concerning food. Regulations 37, 40, 41, 42 and 43 amend secondary legislation to update references to EU instruments, to take account of subsequent relevant amendments made to those EU instruments, or to refer to the most recent EU instrument. Regulation 38 updates the definition of “milk” in the Milk and Dairies (Scotland) Regulations 1990, to restate more completely the reference to an EU instrument. Regulation 39 updates the schedule of the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004 to insert a reference to an EU instrument, which has the effect of applying the 2004 Regulations to decisions made under the EU instrument.

Regulation 44 gives effect to the schedule. Part 1 of the schedule repeals certain provisions of primary legislation only as far as they relate to milk quotas. Part 2 of the schedule revokes statutory instruments or provisions of statutory instruments. The revocations relate to: the former Scottish Milk Marketing Board; the selective cull of cattle; disposal of the hides of older cattle; distribution of market support funds to the dairy sector; organic aid; and the milk quota regime. The legislation revoked by these Regulations is now spent.

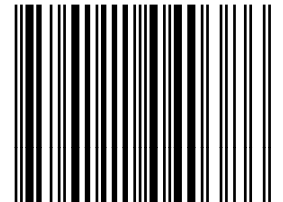
No Business and Regulatory Impact Assessment has been prepared in relation to these Regulations, as no impact upon business, charities or the voluntary bodies is foreseen.

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