

Scottish Food Law Guide

Version Published: May 2025



Version control

Version	Date	Last review carried out	Next review date	Comments
1.0	May 2025	May 2025	May 2026	

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At Food Standards Scotland we have a unique role, working independently of Ministers and industry to provide advice which is impartial, and based on robust science and data.

Our remit covers all aspects of the food chain which can impact on public health, aiming to protect consumers from food safety risks and promote healthy eating.

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Introduction

This document lists food law applicable in Scotland. It is not and nor is it intended to be a substitute for legal advice in relation to the law as it applies. Its purpose is to help environmental health officers, students, businesses and consumers navigate food law. Please note that the focus of this document concerns food law in Scotland for which Food Standards Scotland has either the policy lead or an explicit role as an enforcement or competent authority. Please note that feed law is not included in this guide.

Wider legislative context

Food Standards Scotland was established on 1 April 2015 as the new public sector food body for Scotland. To protect the health and wellbeing of consumers we have three objectives as set under the [Food \(Scotland\) Act 2015](#):

- To protect the public from risks to health which may arise in connection with the consumption of food
- To improve the extent to which members of the public have diets which are conducive to good health
- To protect the other interests of consumers in relation to food.

We have a unique role in government, working independently of Ministers and industry, to provide advice which is impartial, and based on robust science and data.

Our remit covers all aspects of the food chain which can impact on public health – aiming to protect consumers from food safety risks and promote healthy eating.

Whilst leaving the EU caused a significant change to the UK's trading relationship with the rest of the world, the detail of the laws and standards that apply to food production in the UK remains relatively unchanged. This document includes updates made to food law immediately before the UK left the EU and those required to ensure that businesses remained clear about their obligations, enforcement officers retained their powers and maintain consumer protection following the end of the implementation completion period at 31 December 2020.

The [Food Safety Act 1990](#) ("the Act") provides the framework for all food safety and standards legislation in Scotland, England and Wales.

The main responsibilities for all food businesses covered by the Act are to ensure that:

- businesses do not include anything in food, remove anything from food or treat food in any way which means it would be damaging to the health of people eating it,

- food businesses serve or sell is of the nature, substance or quality which consumers would expect,
- the food is labelled, advertised and presented in a way that is not false or misleading.

Enforcement officers have powers under the Act to ensure that businesses meet their food safety and standards obligations.

The General Food Law [Regulation \(EC\) No 178/2002](#), provided the equivalent pan-EU food law framework (now forming part of assimilated law) and as a consequence the Act was amended to ensure that the relevant definitions in domestic law were harmonised with those set out in Regulation 178/2002.

[Regulation \(EC\) No 852/2004](#) sets out basic hygiene requirements for food businesses, both at the level of primary production, processing distribution and retail. For businesses processing products of animal origin additional requirements are set out in [Regulation \(EC\) No 853/2004](#) laying down specific hygiene rules for food of animal origin.

These are supplemented by Regulations setting out food safety limits for both chemical contaminants and microbiological criteria, which are in turn currently harmonised across Great Britain. They are executed and enforced by Statutory Instrument but the wider framework for how such official controls should be applied is set out in the Official Controls Regulation (OCR): [Regulation \(EU\) 2017/625](#).

The OCR cuts across all aspects of the agri-food chain, such as import controls and laboratories, as well as different commodities, such as live animals, plants, food and feed of animal origin and food and feed of non-animal origin.

When the UK left the EU, [The European Union \(Withdrawal\) Act 2018](#) retained all directly applicable EU law into the domestic statute book (known as “REUL”) and provided powers for Ministers to amend those regulations in order to ensure that they continued to work in a UK context.

The tables below lists both secondary legislation, i.e. legislation made using powers in Acts of either the UK or Scottish Parliaments and directly applicable assimilated law, including law that otherwise originated in the EU such as Directives (which were then transposed by way of statutory instrument).

“Assimilated law” is the new name for Retained EU Law (REUL). The terminology was changed with effect from 1 January 2024 by the [Retained EU Law \(Revocation and Reform\) Act 2023](#).

Many of the domestic regulations listed provide for the enforcement and execution of directly applicable assimilated law. It should be noted that whilst “assimilated law” is a term that can be used to describe this body of law as a whole, each individual instrument of assimilated law is known by its original name – and this will remain the case until those instruments are amended or consolidated in some way and therefore given a new name.

The table below only lists relevant Scottish law. However, the [United Kingdom Internal Market Act 2020](#) means that goods may be sold free from any requirements that would otherwise apply to the sale “when they are produced in or imported into other parts of the UK before being placed on the market in Scotland. This does not apply to regulations that were in place in one part of the UK, and not in other parts, before the Act came into force (for example the raw drinking milk ban in Scotland). The 2020 Act also regulates trade between GB and NI under terms agreed as part of the [Windsor Framework](#).

How to read this document

The document should be self explanatory. The tables below comprise a heading and description for the relevant area of law. In each section, the list of relevant assimilated law can be found in the left hand side column. The right hand side column lists the domestic regulations which implemented the relevant items of assimilated law. The term “assimilated” has a specific legal meaning however for ease of use in this document, whilst EU directives were not themselves retained by European Union (Withdrawal) Act 2018, and therefore did not become “assimilated” under the REUL Act 2023, relevant directives are indeed referenced in that column. UK domestic legislation that implemented EU directives have now become items of “assimilated” law and are therefore listed in the tables below next to their EU origin directive counterparts.

Not all items of domestic law are assimilated law. Acts of Parliament are excluded, as are statutory instruments that do not implement any EU origin obligations.

Assimilated law

As regards all times after the end of 2023, the things listed in the left-hand column are to be known by the names in the right-hand column (this is a non exhaustive list and has been taken from the [Retained EU Law \(Revocation and Reform\) Act 2023](#):

At or before the end of 2023	After the end of 2023
Retained EU law	Assimilated law
Retained direct EU legislation	Assimilated direct legislation
Retained direct minor EU legislation	Assimilated direct minor legislation
Retained direct principal EU legislation	Assimilated direct principal legislation

Please note that this document contains references to regulations with titles that whilst correct, may seem odd given that the UK is no longer a member of the European Union. For example:

Commission Delegated
Regulation (EU) 2019/625

Requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption.

All such references are references to assimilated law and therefore are applicable only in a UK/GB context.

1. Food Safety and Hygiene

1.1 General Food Law

The principal aim of Regulation (EC) 178/2002, 'General Food Law' is to protect human health and consumers' interest in relation to food. It applies to all stages of production, processing and distribution of food and feed with some exceptions. Food businesses must comply with food and feed safety law.

To place safe food on the market food businesses must ensure:

- traceability of food
- appropriate presentation of food
- suitable food information is provided
- prompt withdrawal or recall of unsafe food placed on the market
- food and feed imported into, and exported from, Great Britain (GB) shall comply with food law.

Relevant Assimilated law	Description
<u>Regulation (EC) No 178/2002</u>	The general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
<u>Commission Implementing Regulation (EU) No 931/2011</u>	Traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin.
<u>Commission Implementing Regulation (EU) No 208/2013</u>	Traceability requirements for sprouts and seeds intended for the production of sprouts.

Enforced and executed in Scotland by:

[The General Food Regulations 2004 \(SI 2004/3279\)](#)

[The Food Safety Act 1990](#)

1.2 Food Hygiene

All food businesses are required to meet basic legal standards set out in what is known as “the hygiene package” before they can place the food they make on the market. The package of regulation in this area sets out the minimum standards for the registration and where appropriate approval of food businesses, their physical infrastructure, certain requirements relating to record keeping and hazard management, as well as setting microbiological limits for the foods themselves.

The hygiene package also includes controls relevant to the production of products of animal origin. This area of law remains in close alignment with that applicable in the EU.

Relevant Assimilated law	Description
<u>Regulation (EC) No 852/2004</u>	Lays down hygiene rules of foodstuffs for Food Business Operators <ul style="list-style-type: none"> • requirement for food businesses to be registered with their local authority • requirements relating to primary producers • requirements relating to food safety management systems including HACCP (hazard analysis and critical control points).
<u>Regulation (EC) No 853/2004</u>	Lays down specific hygiene rules for food of animal origin. <ul style="list-style-type: none"> • requirement for certain businesses producing products of animal origin to be approved and additional requirements for the production of those products.
<u>Commission Regulation (EC) No 2073/2005</u>	Microbiological criteria for foodstuffs <ul style="list-style-type: none"> • Sets out both food safety (end product) microbiological criteria for foodstuffs (e.g. for listeria, salmonella etc) as well as process hygiene criteria.
<u>Commission Regulation (EU) No 210/2013</u>	The approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council.

<u>Commission Regulation (EU) 2015/1474</u>	The use of recycled hot water to remove microbiological surface contamination from carcasses.
<u>Commission Regulation (EU) No 101/2013</u>	The use of lactic acid to reduce microbiological surface contamination on bovine carcasses.
<u>Commission Regulation (EU) 2017/2158</u>	<p>Establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.</p> <p>*To note that whilst not included as a relevant item of “community regulation” for which explicit domestic enforcement provisions apply, this Regulation also places direct obligations on food businesses – specifically to ensure that they manage the risk associated with the chemical contaminant acrylamide.</p>
<u>Commission Regulation (EU) No 210/2013</u>	<p>The approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council.</p> <p>To note specific requirements in relation to bean sprout growers, which also apply to imports (see OCR).</p>

Enforced and executed in Scotland by:

[The Food Hygiene \(Scotland\) Regulations 2006](#) (as amended) (“the 2006 Regulations”)*.

The 2006 Regulations and the direct assimilated law (which together, are defined in the 2006 Regulations as the “Hygiene Regulations”) set out where either local authorities and or FSS has the role of “enforcement authority” across the food chain. The 2006 Regulations also provide authorised officers of an enforcement authority with a range of powers from hygiene improvement notices (regulation 6) to remedial action notices (regulation 9). It also provides an authorised officer with the power to certify food as not having been produced, processed or distributed in compliance with the Hygiene Regulations (regulation 27). Where so certified it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirement.

The 2006 Regulations also set out some national measures that are not prescribed in direct assimilated law:

Raw milk and cream ban:

- This restriction is found in Schedule 6 and it makes it an offence to place raw milk or cream, which is intended for direct human consumption on the market in Scotland. It does not prohibit the use of raw milk or cream in the production of other foodstuffs.

Temperature control requirements:

- Schedule 4 provides these requirements, which differ slightly to the rest of the UK, in that no exact chill temperature is given, food being reheated must reach a temperature of 82°C and there are no specified tolerance periods for either the chill or hot holding of food.

Small quantities of poultry and lagomorphs slaughtered on farm:

- Schedule 5 sets out the specific labelling and record keeping requirements for these animals slaughtered on farm.

In addition to the items above which place direct obligations on food businesses, specific additional requirements relating to the execution of the hygiene package by competent authorities are also set out in the following regulations:

Relevant Assimilated law	Description
<u>Commission Implementing Regulation (EU) 2015/1375</u>	Lays down specific rules on official controls for Trichinella in meat.
<u>Regulation (EU) 2017/625</u>	Lays down specific rules on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.
<u>Commission Delegated Regulation (EU) 2019/624</u>	Concerns specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council.
<u>Commission Delegated Regulation (EU) 2019/625</u>	Requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption.

<u>Commission Implementing Regulation (EU) 2019/627</u>	Laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls.
<u>Commission Implementing Regulation (EU) 2019/628</u>	Concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates. *To note this covers the range of certificates required for import into GB (from fresh meat to bean sprouts).

1.3 Additional requirements relating to milk and dairies

In addition to the directly applicable assimilated law set out in the hygiene package above, additional domestic requirements relating to the control of infectious disease on farm also apply.

Relevant Assimilated law

[Regulation \(EC\) No 853/2004, Annex III, Section IX](#)

This legislation has mostly been revoked other than to impose a duty on persons who milk cows or handle milk containers to notify a dairyman if they are suffering from or show symptoms of having an infectious disease and contain offence provisions for any breach of this duty.

Details are set out in:

- [The Milk and Dairies \(Scotland\) Regulations 1990](#)

1.4 Additional requirements relating to poultry

Makes provision in relation to the registration of slaughterhouses and producers as required by Commission Regulation (EC) No 543/2008 (regulation 4) and provide for appeals against a decision to refuse such a registration and a decision to cancel such a registration. Requirements also set out in relation to water content of poultry meat.

Relevant Assimilated law	Description
<u>Commission Regulation (EC) No 543/2008</u>	Lays down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat.

Enforced and executed in Scotland by:

[The Poultry meat \(Scotland\) Regulations 2011](#)

1.5 Temperature controls

Relevant Assimilated law	Description
<u>Commission Regulation (EC) No 37/2005</u>	The monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption.

Enforced and executed in Scotland by:

[The Quick-frozen Foodstuffs Regulations 1990](#)

2. Contaminants

2.1 Chemical Contaminants

The following legislation sets out maximum tolerances for chemical contaminants in food and requirements in relation to sampling and analysis.

Relevant Assimilated law	Description
<u>Commission Regulation (EC) No 1881/2006</u>	Sets maximum levels for certain contaminants in foodstuffs.
<u>Commission Regulation (EC) No 124/2009</u>	Sets maximum levels for the presence of coccidiostats or histomonostats in food.
Additional regulations which are relevant in this area:	
<u>Commission Regulation (EC) No 401/2006</u>	Sets out methods of sampling and analysis for the official control of the levels of mycotoxins in certain foodstuffs.
<u>Commission Regulation (EC) No 1882/2006</u>	Sets out methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs.
<u>Commission Regulation (EC) No 333/2007</u>	Sets out methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, inorganic arsenic, 3-MCPD, glycidyl esters, PAH and perchlorate in foodstuffs.
<u>Commission Regulation (EU) 2015/705</u>	Sets out methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs.

<u>Commission Regulation (EU) 2015/705</u>	Sets out methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs.
<u>Commission Regulation (EU) 2017/644</u>	Sets out methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs.

Enforced and executed in Scotland by:

[The Contaminants in Food \(Scotland\) Regulations 2013](#)

2.2 Food Irradiation

EU directives are not themselves retained by EU (W)A 2018 - EU directives are not within the scope of assimilated EU law. However, UK domestic legislation that implements EU directives is within the scope of retained EU law. The below regulation transposes Directive 1999/2 of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation.

Relevant Assimilated law (and relevant Directives)	Description
<u>Commission Decision 2002/840/EC</u>	The list of approved facilities in third countries for the irradiation of foods.

Transposed, enforced and executed in Scotland by:

[The Food Irradiation \(Scotland\) Regulations 2009](#)

2.3 Emergency Prohibitions

The following legislation relates to Dalgety Bay and Dounreay.

2.3.1 Dalgety Bay

Order made under the Food and Environment Protection Act 1985 ('FEPA' Order); prohibits the removal of seafood from the Dalgety Bay area.

Relevant Assimilated law	Description
N/A	This is a national measure.

Enforced and executed in Scotland by:

[The Food Protection \(Emergency Prohibitions\) \(Dalgety Bay\) \(Scotland\) Order 2012](#)

2.3.2 Dounreay

Order made under the Food and Environment Protection Act 1985 prohibiting the removal of seafood from a 2 km radius centred on the offshore liquid discharge diffuser at the Dounreay nuclear licensed site.

Relevant Assimilated law	Description
N/A	This is a national measure.

Enforced and executed in Scotland by:

[The Food Protection \(Emergency Prohibitions\) \(Dounreay Nuclear Establishment\) Order 1997](#)

3. Official Controls

3.1 “The OCR Package”

The assimilated law in this area, known as the Official Controls Regulation (OCR) makes provision for official controls to be performed to ensure compliance with feed and food law, animal health and animal welfare rules. It provides the framework for the delivery of official controls in Scotland and across the UK as a whole. Since EU Exit the OCR requirement has been subject to significant change, particularly relating to import requirements in line with our status as a non EU member.

FSS leads on policy and official controls relating to food and feed of non animal origin and in relation to the manufacture of food products of animal origin in approved establishments. Many aspects of the OCR package (for example in relation to minimum requirements for border control posts) intersect a range of portfolio interests (i.e. food and feed safety, animal welfare and plant health).

The “OCR package” is defined in [The Official Feed and Food Controls \(Scotland\) Regulations 2009](#) (“OFFC(S)” Regulations) as follows:

Relevant Assimilated law	Description
<u>Regulation (EU) 2017/625</u>	The principal “OCR” regulation on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.
<u>Commission Delegated Regulation (EU) 2019/624</u>	Specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council.
<u>Commission Delegated Regulation (EU) 2019/625</u>	Supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption.
<u>Commission Implementing Regulation (EU) 2019/626</u>	Lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists.
<u>Commission Implementing Regulation (EU) 2019/627</u>	Laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls.
<u>Commission Implementing Regulation (EU) 2019/628</u>	Concerning model official certificates for certain animals and goods and amending Regulation (EC) No. 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates.

<p><u>Commission Delegated Regulation (EU) 2019/1012</u></p>	<p>Supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts.</p>
<p><u>Commission Implementing Regulation (EU) 2019/1013</u></p>	<p>On prior notification of consignments of certain categories of animals and goods entering the Union.</p>
<p><u>Commission Implementing Regulation (EU) 2019/1014</u></p>	<p>To lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points.</p>
<p><u>Commission Delegated Regulation (EU) 2019/1081</u></p>	<p>Establishing rules on specific training requirements for staff for performing certain physical checks at border control posts.</p>
<p><u>Commission Delegated Regulation (EU) 2019/1602</u></p>	<p>Supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination.</p>
<p><u>Commission Delegated Regulation (EU) 2019/1666</u></p>	<p>Supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union.</p>
<p><u>Commission Implementing Regulation (EU) 2019/1715</u></p>	<p>Laying down rules for the functioning of the information management system for official controls and its system components.</p>

<p><u>Commission Implementing Regulation (EU) 2019/1793</u></p>	<p>On the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 and repealing Commission Regulations (EC) No 669/2009, (EU) No. 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660.</p> <p>Imports of specific high risk food and feed of non-animal origin (HRFNAO) from certain countries can only enter the UK through approved Border Control Posts (BCPs) where increased specified official controls are carried out.</p>
	<p>A high risk product is food or feed that is either a known, or an emerging risk to public health. This may be due to the presence of pathogens, contaminants and toxins including aflatoxins. Regulation (EU) 2019/1793 requires the appropriate authority to review the lists set out in its Annexes on a regular basis not exceeding a period of six months, in order to take into account new information and related to risk and non-compliance to ensure controls remain proportionate to protect public health. The appropriate authorities are Scottish Ministers in Scotland, Welsh Ministers in Wales and the Secretary of State in England. FSS and the FSA undertake joint reviews to assist Ministers in reaching decisions in this matter.</p>
	<p>Scottish Ministers' decisions are implemented by way of Scottish Statutory Instruments. The most recent amendments to the Annex lists can be accessed through the FSS website:</p> <p><u>Policy updates Food Standards Scotland</u></p>
<p><u>Commission Implementing Regulation (EU) 2019/1873</u></p>	<p>On the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products.</p>

<p><u>Commission Implementing Regulation (EU) 2019/2007</u></p>	<p>Laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC.</p>
<p><u>Commission Delegated Regulation (EU) 2019/2074</u></p>	<p>Supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country.</p>
<p><u>Commission Delegated Regulation (EU) 2019/2122</u></p>	<p>Supplementing Regulation (EU) 2017/625 as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No 142/2011.</p>
<p><u>Commission Delegated Regulation (EU) 2019/2123</u></p>	<p>Supplementing Regulation (EU) 2017/625 as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts.</p>

<p><u>Commission Delegated Regulation (EU) 2019/2124</u></p>	<p>Supplementing Regulation (EU) 2017/625 as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC.</p>
<p><u>Commission Delegated Regulation (EU) 2019/2126</u></p>	<p>Supplementing Regulation (EU) 2017/625 as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts.</p>
<p><u>Commission Implementing Regulation (EU) 2019/2129</u></p>	<p>Establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union.</p>
<p><u>Commission Implementing Regulation (EU) 2019/2130</u></p>	<p>Establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts.</p>
<p><u>Commission Delegated Regulation (EU) 2019/625</u></p>	<p>Supplementing Regulation (EU) 2017/625 with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption.</p>

Enforced and executed in Scotland by:

The Official Feed and Food Controls (Scotland) Regulations 2009

("OFFC(S)" Regulations)

3.2 Sampling and Qualifications

Sets out the qualifications necessary to be a public analyst or food analyst or food examiner for the purposes of the Food Safety Act 1990.

Sets out the procedures to be followed when a sample has been procured under that Act for analysis or examination.

Relevant Assimilated law

The OCR sets out the framework for sampling and analysis – these regulations specify these requirements in a Scottish setting. Equivalent domestic legislation is in place in the rest of the UK.

Enforced and executed in Scotland by:

[The Food Safety \(Sampling and Qualifications\) \(Scotland\) Regulations 2013](#)

3.3 Charging

Relevant Assimilated law

The OCR sets out a requirement to ensure that adequate financial resources are available to provide the necessary staff and other resources for official controls by appropriate means.

Enforced and executed in Scotland by:

[The Fishery Products \(Official Controls Charges\) \(Scotland\) Regulations 2007](#)

[The Meat \(Official Controls Charges\) \(Scotland\) Regulations 2009](#)

3.4 Imports

3.4.1 General Restrictions and prohibitions

Scottish Government have the policy lead for the import of products of animal origin (POAO) generally and enforcement of the requirements sits with the Scottish Ministers, local authorities and Food Standards Scotland in the circumstances set out in regulation 27 of the “TARP (S)” regulations. Under part 4 of the TARP (S)

Regulations, where Scottish Ministers or FSS has reasonable grounds for suspecting that POAO including food or feed of animal origin is liable to pose a risk to human health, or is in serious non compliance with relevant requirements then Scottish Ministers or FSS may publish a written declaration of the special measures necessary in Scotland to contain the risk to human or animal health or the risk of non-compliant animals or products entering Scotland. The relevant assimilated law is listed below both in relation to specific POAO and non POAO restrictions as enforced by the OFFC (S) Regulations.

See main OCR entry listed in section 3.1 and in addition the table below:

Relevant Assimilated law	Description
<u>Commission Decision (2007/642/EC)</u>	On emergency measures applying to fishery products imported from Albania and intended for human consumption.
<u>Commission Implementing Regulation (EU) 2020/1158</u>	On the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station.
<u>Commission Decision (2007/82/EC)</u>	On emergency measures suspending imports from the Republic of Guinea of fishery products intended for human consumption.
<u>Commission Decision (2010/381/EU)</u>	On emergency measures applicable to consignments of aquaculture products imported from India and intended for human consumption.
<u>Commission Implementing Regulation (EU) No 743/2013</u>	Introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption.
<u>Commission Decision (2006/199/EC)</u>	Laying down specific conditions for imports of fishery products from the United States of America.
<u>Commission Decision (2002/994/EC)</u>	Concerning certain protective measures with regard to the products of animal origin imported from China.

Enforced and executed in Scotland by:
<u>The Trade in Animals and Related Products (Scotland) Regulations 2012</u> (“TARP(S)” Regulations)

The Official Feed and Food Controls (Scotland) Regulations 2009

("OFFC(S)" Regulations)

Emergency declarations which have been made under domestic OCR legislation can be found at:

Publications | Food Standards Scotland

The use of certain additives such as E425 konjac in all jelly confectionery, including jelly mini-cups, and the sale of such confectionery, is not permitted under Regulation 1333/2008 as there is a risk of choking. These sweets are widely available in Japan and the Far East. As such imports of these products are not permitted (See food additives entry for domestic enforcement provision).

3.4.2 Restrictions and prohibitions – China

The following legislation sets out additional import controls relating to certain products from China:

Relevant Assimilated law	Description
<u>Commission Regulation (EU) No 284/2011</u>	Laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China.
<u>Commission Implementing Decision (2011/884/EU)</u>	On emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC.

Enforced and executed in Scotland by:

The Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011

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

3.4.3 Kava Kava

The following legislation prohibits the import of Kava Kava into Scotland, other than for the purposes of re-export.

Relevant Assimilated law	Description
N/A	This is a national measure

Enforced and executed in Scotland by:

[The Kava-kava in Food \(Scotland\) Regulations 2002](#)

4. Regulated Products

4.1 Novel Foods

Novel foods are foods that do not have a history of consumption in the UK. The regulations set out a process for assessing their safety and authorisation.

Relevant Assimilated law	Description
<u>Regulation (EU) 2015/2283</u>	On novel foods, amending Regulation (EU) No 1169/2011 and repealing Regulation (EC) No 258/97 and Commission Regulation (EC) No 1852/2001.
<u>Commission Implementing Regulation (EU) 2018/456</u>	On the procedural steps of the consultation process for determination of novel food status in accordance with Regulation (EU) 2015/2283 on novel foods.
<u>Commission Implementing Regulation (EU) 2017/2468</u>	Laying down administrative and scientific requirements concerning traditional foods from third countries in accordance with Regulation (EU) 2015/2283 on novel foods.

<u>Commission Implementing Regulation (EU) 2017/2469</u>	Laying down administrative and scientific requirements for applications referred to in Article 10 of Regulation (EU) 2015/2283 on novel foods.
<u>Commission Implementing Regulation (EU) 2017/2470</u>	Establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 on novel foods and Sets out the list of novel foods authorised to be placed on the market in GB.

Enforced and executed in Scotland by:

[The Novel Foods \(Scotland\) Regulations 2017 \(SSI 2017/415\)](#)

4.2 Genetically Modified Food and Feed

The following legislation lays down rules and procedures for authorisation, supervision and labelling of genetically modified food and feed.

To note, due to the operation of the [Internal Market Act 2020](#) and the [Genetic Technology \(Precision Breeding\) Act 2023](#) which applies in England, certain products produced in England, which would otherwise be considered a GMO in Scotland and therefore unable to be placed on the market here without specific authorisation, may be so placed.

Relevant Assimilated law	Description
<p><u>Regulation (EC) No 1829/2003</u></p>	<p>This regulation requires FSS and FSA to reauthorise approvals – a function previously undertaken by the EU. These reauthorisations are now made by Scottish Statutory Instrument (e.g.)</p> <ul style="list-style-type: none"> • <u>The Genetically Modified Food and Feed (Authorisations and Modifications of Authorisations) (Scotland) Regulations 2023</u> • <u>The Genetically Modified Food and Feed (Authorisations) (Scotland) Regulations 2022</u>
	<p>Before a GMO food or feed product can be placed on the market in Great Britain, it must be authorised under the assimilated Regulation (EC) No 1829/2003.</p>
<p><u>Commission Regulation (EC) No 641/2004</u></p>	<p>Provides detailed rules concerning applications for authorisation submitted in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 except for those applications covered by Commission Implementing Regulation (EU) No 503/2013.</p>
<p><u>Commission Regulation (EU) No 513/2013</u></p>	<p>Applies to applications submitted under Articles 5, 11, 17 and 23 of Regulation (EC) No 1829/2003 for the authorisation of genetically modified plants for food and feed uses, food or feed containing or consisting of genetically modified plants, food produced from or containing ingredients produced from genetically modified plants or feed produced from such plants.</p>

Enforced and executed in Scotland by:

The Genetically Modified Food (Scotland) Regulations 2004

4.3 GMO labelling

The following legislation lays down rules and procedures for authorisation, supervision and labelling of genetically modified food and feed. To note due to the operation of the Internal Market Act 2020 and the [Genetic Technology \(Precision Breeding\) Act 2023](#) which applies in England, certain products produced in England, which would otherwise be considered a GMO in Scotland and therefore unable to be placed on the market here without specific authorisation, may be so placed.

Relevant Assimilated law	Description
Regulation (EC) No 1830/2003	Concerns the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC.

Enforced and executed in Scotland by:

[The Genetically Modified Organisms \(Traceability and Labelling\) \(Scotland\) Regulations 2004](#)

4.4 Food Contact Materials

EU directives are not themselves retained by EU (W)A 2018—EU directives are not within the scope of assimilated EU law. However, UK domestic legislation that implements EU directives is within the scope of retained EU law. In this instance Council Directive 84/500/EEC and Council Directive 78/142/EEC have also been transposed into domestic law: [The Materials and Articles in Contact with Food \(Scotland\) Regulations 2012](#).

Relevant Assimilated law	Description
Commission Regulation (EU) No 10/2011	On plastic materials intended to come into contact with food. Updates/replaces all existing rules on plastic materials and articles intended to come into contact with food (made under Art 5 of Regulation (EC) No 1935/2004.
Regulation (EC) No 1935/2004	On material and articles intended to come into contact with food. Establishes the general principles governing the safety of all materials and articles intended to come into contact with food.

<u>Commission Regulation (EC) No 2023/2006</u>	<p>On good manufacturing practice for materials and articles intended to come into contact with food.</p> <p>Lays down the rules on good manufacturing practice for materials and articles intended to come into contact with food including recycled materials and articles.</p>
<u>Commission Regulation (EC) No 282/2008</u>	On recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No 2023/2006.
<u>Commission Regulation (EU) 2018/213</u>	On the use of bisphenol A in varnishes and coatings intended to come into contact with food and amending Regulation (EU) No 10/2011 as regards the use of that substance in plastic food contact materials.
<u>Commission Regulation (EC) No 450/2009</u>	On active and intelligent materials and articles intended to come into contact with food.
<u>Commission Regulation (EC) No 1895/2005</u>	On the restriction of certain epoxy derivatives in materials and articles intended to come into contact with food.

The below legislation provides for the enforcement of EC Regulation No 10/2011 on plastic materials and articles intended to come into contact with food. Additionally, it provides for the revocation and remake of nearly all existing national legislation on food contact materials and consolidation into a single SSI, the exception being the [Plastic Kitchenware \(Conditions on Imports from China\) \(Scotland\) Regulations 2011](#).

Enforced and executed in Scotland by:

[The Materials and Articles in Contact with Food \(Scotland\) Regulations 2012](#)

Enforcement provisions for [Commission Regulation \(EC\) No 282/2008](#) not yet implemented

4.5 Additives

The following legislations covers regulations concerning the authorisation of additives and E numbers for colours, preservatives, antioxidants, sweeteners,

emulsifiers, stabilisers, thickeners and other types of additives (such as smoke flavourings).

Further guidance can be found at:

- [FSA Guidance: Approved additives and E numbers](#)
- [FSS Guidance: Additives and E Numbers](#)

Relevant Assimilated law	Description
Regulation (EC) No 2065/2003	On smoke flavourings used or intended for use in or on foods.
Regulation (EC) No 1332/2008	On food enzymes.
Regulation (EC) No 1333/2008	On food additives.
Regulation (EC) No 1334/2008	On flavourings and certain food ingredients with flavouring properties for use in and on foods.
Commission Implementing Regulation (EU) No 1321/2013	Establishing the Union list of authorised smoke flavouring primary products for use as such in or on foods and/or for the production of derived smoke flavourings.
Commission Regulation (EU) No 234/2011	Implementing Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings.
Commission Implementing Regulation (EU) No 872/2012	Adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96, introducing it in Annex I to Regulation (EC) No 1334/2008.
Commission Regulation (EU) No 231/2012	Laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
Commission Regulation (EC) No 627/2006	On quality criteria for validated analytical methods for sampling, identification and characterisation of primary smoke products.

The below regulation transposes Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients.

Enforced and executed in Scotland by:

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013

5. Food Labelling and Standards

5.1 Food Labelling

5.1.1 Food Information for consumers – known as “FIC”. The principal food labelling regulation

Relevant Assimilated law	Description
<u>Regulation (EU) No 1169/2011</u>	On the provision of food information to consumers, amending Regulations.
<u>Commission Implementing Regulation (EU) No 828/2014</u>	On the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.
<u>Commission Implementing Regulation (EU) No 1337/2013</u>	Laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.
<u>Commission Implementing Regulation (EU) 2018/775</u>	Laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

Enforced and executed in Scotland by:

[The Food Information \(Scotland\) Regulations 2014](#)

5.1.2 Food Lot Marking

The following legislation lays down the requirement that food forming part of a lot is clearly identified. See also FIC.

EU directives are not “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
<u>Directive 2011/91/EU</u>	On indications or marks identifying the lot to which a foodstuff belongs.

Enforced and executed in Scotland by:

[The Food \(Lot Marking\) Regulations 1996](#)

5.1.3 Meat

The following legislation lays down the technical rules for the application of Regulation (EU) No 1169/2011 as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen pig, sheep, goat and poultry meat.

Relevant Assimilated law	Description
<u>Commission Implementing Regulation (EU) No 1337/2013</u>	Laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.

Enforced and executed in Scotland by:

[The Country of Origin of Certain Meats \(Scotland\) Regulations 2016](#)

5.1.4 Fish

The following legislation concerns the traceability of fishery and aquaculture products from catching/harvesting through all stages of production, processing and distribution.

Further guidance can be found at:

- [Guidance: Seafood traceability and labelling regulations](#)
- [Guidance: Traceability and consumer information](#)

Relevant Assimilated law	Description
Council Regulation (EC) No 1224/2009	Establishing a Union control system for ensuring compliance with the rules of the common fisheries policy. This regulation established an EU wide control system for ensuring compliance with the rules of the Common Fisheries Policy, which is no longer relevant in a GB context. However provisions relating to traceability of fishery and aquaculture products from catching/harvesting through all stages of production, processing and distribution remain applicable in a food law in Scotland context.
Commission Implementing Regulation (EU) No 404/2011	Laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.
Regulation (EU) No 1379/2013	On the common organisation of the markets in fishery and aquaculture products.

Enforced and executed in Scotland by:

[The Fish Labelling \(Scotland\) Regulations 2013](#)

5.2 Compositional Standards

Guidance on compositional standards can be found here:

- [Food Standards Guidance: Labelling and Composition](#)

5.2.1 Bread and Flour

Sets out national rules that require bread and flour to meet certain compositional.

Relevant Assimilated law	Description
N/A	This is a national measure

Enforced and executed in Scotland by:

[The Bread and Flour Regulations 1998](#)

5.2.2 Caseins and Caseinates

The following legislation makes provision on standards, marketing and labelling relating to caseins and caseinates intended for human consumption. Casein is the main protein in milk.

EU Directives are not part of “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
Directive (EU) 2015/2203	On the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption

Enforced and executed in Scotland by:

[The Caseins and Caseinates \(Scotland\) \(No. 2\) Regulations 2016](#)

5.2.3 Cocoa and chocolate products

The following legislation lays down rules on the composition and labelling of cocoa and chocolate products intended for human consumption.

EU directives are not part of “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
Directive 2000/36/EC	Relating to cocoa and chocolate products intended for human consumption.

Enforced and executed in Scotland by:
The Cocoa and Chocolate Products (Scotland) Regulations 2003

5.2.4 Coffee Extracts and Chicory Extracts

The following legislation lays down rules on the composition and labelling of coffee and chicory extracts for human consumption.

EU directives are not part of “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
Directive 1999/4/EC	Relating to coffee extracts and chicory extracts

Enforced and executed in Scotland by:
The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001

5.2.5 Condensed milk and dried milk

The following legislation lays down rules on the composition and labelling of condensed milk and dried milk.

EU directives are not part of “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
Council Directive 2001/114/EC	Relating to certain partly or wholly dehydrated preserved milk for human consumption.

<u>First Commission Directive 79/1067/EEC</u>	Laying down Community methods of analysis for testing certain partly or wholly dehydrated preserved milk for human consumption.
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Enforced and executed in Scotland by:

[The Condensed Milk and Dried Milk \(Scotland\) Regulations 2003](#)

5.2.6 Honey

The following legislation lays down rules on the composition and labelling of honey

EU directives are not part of “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
<u>Council Directive 2001/110/EC</u>	Covers the use of the names “honey”, “baker's honey” etc, “

Enforced and executed in Scotland by:

[The Honey \(Scotland\) Regulations 2015](#)

5.2.7 Fruit Juices and Nectars

The following legislation lays down rules on the composition and labelling of fruit juices and nectars. Prescribes definitions and reserved descriptions for certain designated fruit juice products.

EU directives are not “assimilated” law. However, UK domestic legislation that implements EU directives is assimilated law

Relevant Assimilated law (and relevant Directives)	Description
<u>Council Directive 2001/112/EC</u>	Relating to fruit juices and certain similar products intended for human consumption.

Enforced and executed in Scotland by:

[The Fruit Juices and Fruit Nectars \(Scotland\) Regulations 2013](#)

5.2.8 Jams and Similar Products

The following legislation prescribes definitions and reserved descriptions for fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption.

EU directives are “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
<u>Council Directive 2001/113/EC</u>	Relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.

Enforced and executed in Scotland by:

[The Jam and Similar Products \(Scotland\) Regulations 2004](#)

5.2.9 Sugar and Sugar Products

The following legislation prescribes definitions and reserved descriptions for certain specified sugar products.

EU directives are “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
<u>Council Directive 2001/111/EC</u>	Relating to certain sugars intended for human consumption.

Enforced and executed in Scotland by:

[The Specified Sugar Products \(Scotland\) Regulations 2003](#)

5.2.10 Spreadable Fats, milk and milk products

The following legislation lays down standards for spreadable fats and protections of designations used in the marketing of milk and milk products.

Relevant Assimilated law (and relevant Directives)	Description
Commission Regulation (EC) No 445/2007	Laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats (repealed) and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products (also repealed).

Enforced and executed in Scotland by:

[The Spreadable Fats, Milk and Milk Products \(Scotland\) Regulations 2008](#)

5.2.11 Meat Products

The following legislation prohibits subject to certain exceptions, sale of uncooked products containing certain ingredients, restricts the use of reserved descriptions unless meat product satisfies certain requirements and provides additional labelling requirements for certain meat products.

Relevant Assimilated law	Description
N/A	This is a national measure

Enforced and executed in Scotland by:

[The Products Containing Meat etc. \(Scotland\) Regulations 2014](#)

5.2.12 Natural Mineral Water

The following legislation sets out the food safety, compositional and labelling requirements relating to natural mineral and bottled water.

EU directives are not “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
<u>Directive 2009/54/EC</u>	On the exploitation and marketing of natural mineral waters
<u>Council Directive 98/83/EC</u>	On the quality of water intended for human consumption.
<u>Commission Directive 2003/40/EC</u>	Establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters.
<u>Council Directive 2013/51/Euratom</u>	Laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.
<u>Commission Regulation (EU) No 115/2010</u>	Laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters.

Enforced and executed in Scotland by:
<u>The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007</u>

5.3 Addition of vitamins and minerals to food

Regulating the addition of vitamins and minerals to foods and the use of certain other substances or ingredients containing substances other than vitamins or minerals that are added to foods or used in the manufacture of foods under conditions that result in the ingestion of amounts greatly exceeding those reasonably expected to be ingested under normal conditions of consumption of a balanced and varied diet and/or would otherwise represent a potential risk to consumers.

Relevant Assimilated law	Description
<u>Regulation (EC) No 1925/2006</u>	On the addition of vitamins and minerals and of certain other substances to foods.

Enforced and executed in Scotland by:

The Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007

5.4 Nutrition related labelling, composition, and standards

Legislation on nutrition related labelling, composition, and standards, covers the following areas: Back of pack nutrition declarations and the voluntary Front of Pack nutrition labelling scheme; nutrition and health claims made on foods; the composition and labelling of food supplements; the composition and labelling of food intended for infants and young children, food special medical purposes, and total diet replacement for weight control.

5.4.1 Food for particular nutritional uses

This class of food is gradually being phased out by the Foods for Specific Groups legislation. However, the following legislation still relates to “PNU” or “ParNut” Food - defined as a food for particular nutritional use which:

- owing to its special composition or process of manufacture, is clearly distinguishable from food intended for normal consumption, and
- is sold in such a way as to indicate its suitability for its claimed particular nutritional purpose, but does not fall into certain other classifications (including infant formulae, diabetic specific foods etc.

These Regulations, which extend to Scotland only, make provision for the execution and enforcement of Commission Regulation (EC) No. 953/2009 (repealed) on substances that may be added for specific nutritional purposes in foods for particular nutritional uses.

Enforced and executed in Scotland by:

The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009

5.4.2 Food for specific groups

Under a long transition approach, the foods for specific groups legislation is gradually phasing out the previous “PNU” or “ParNut” approach by reducing the number of categories of food subject to specific rules. For example, claims about the absence or reduced presence of gluten in food are covered by the general labelling requirements of the Food information to Consumers Regulation 1169/2011. The following legislation sets out requirements for food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control.

EU directives are not “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Relevant Assimilated law (and relevant Directives)	Description
<u>Regulation (EU) No 609/2013</u>	On food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control.
<u>Commission Delegated Regulation (EU) 2016/128</u>	On the specific compositional and information requirements for food for special medical purposes.
<u>Commission Delegated Regulation (EU) 2016/127</u>	On the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding.
<u>Commission Directive 96/8/EC</u>	On foods intended for use in energy-restricted diets for weight reduction.
<u>Commission Directive 2006/125/EC</u>	On processed cereal-based foods and baby foods for infants and young children.

Enforced and executed in Scotland by:
<u>The Foods for Specific Groups (Scotland) Regulations 2016</u>
<u>The Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020</u>
<u>The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997</u>
<u>The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004</u>

5.4.3 Food Supplements

The following legislation regulates the sale of food supplements with specific requirements regarding labelling, safety and composition, with respect to the vitamins, minerals and other forms which may be used in food supplements.

EU directives are not “assimilated” UK law. However, UK domestic legislation that implements EU directives is assimilated law.

Further guidance can be found on the Gov.uk website and the Food Standards Scotland Website:

- [Guidance: Food supplement use and labels](#)
- [Guidance: Business guidance for food supplements containing caffeine | Food Standards Scotland](#)

Relevant Assimilated law (and relevant Directives)	Description
Commission Directive 2002/46/EC	<p>On the approximation of the laws of the Member States relating to food supplements as last amended by Commission Regulation (EC) No. 1170/2009(6) amending Directive 2002/46/EC and Regulation (EC) No. 1925/2006 as regards the lists of vitamins and minerals and their forms that can be added to foods, including food supplements.</p> <p>Note: EU directives are not “assimilated” law. However, UK domestic legislation that implements EU directives is assimilated law.</p>
Regulation (EU) No 609/2013	<p>On food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39 of the European Parliament and of the Council and Commission Regulations (EC) No. 41/2009 and (EC) No 953/2009.</p>
Commission Delegated Regulation (EU) 2016/127	<p>Supplements Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding.</p>

Enforced and executed in Scotland by:

[The Food Supplements \(Scotland\) Regulations 2003](#)

[The Foods for Specific Groups \(Infant Formula and Follow-on Formula\) \(Scotland\) Regulations 2020](#)

5.4.4 Nutrition and Health claims

The following legislation sets out what must be done by businesses when making a voluntary nutrition or health claim and the process for claims being authorised claims made on food.

Further guidance can be found at:

- [Guidance: Nutrition and health claims](#)

The Great Britain nutrition and health claims (NHC) register sets out all authorised and rejected nutrition and health claims. The register can be found at:

- [Guidance: Great Britain nutrition and health claims \(NHC\) register: GOV.UK](#)

Relevant Assimilated law	Description
<u>Regulation (EC) No 1924/2006</u>	On nutrition and health claims made on foods.

Enforced and executed in Scotland by:

[The Nutrition and Health Claims \(Scotland\) Regulations 2007](#)

5.4.5 Tryptophan

Tryptophan is an amino acid. These Regulations prohibit the addition of tryptophan to food, and the sale, offer for sale and exposure for sale of food containing tryptophan, subject to exceptions.

Relevant Assimilated law	Description
N/A	This is a national measure

Enforced and executed in Scotland by:

[The Tryptophan in Food \(Scotland\) Regulations 2005](#)

6. Additional regulations within Food safety

6.1 Ships and aircraft

The following legislation specifies ships and aircraft and purposes for which they are “premises” in and under the Food Safety Act 1990.

Enforced and executed in Scotland by:

[The Food Safety \(Ships and Aircraft\) \(England and Scotland\) Order 2003](#)

7. EU Exit Regulation Amendments

7.1 Scottish Statutory Instruments

The UK’s departure from the EU required all law applicable in the UK to be reviewed to ensure that the legal framework in the UK continued to work. Some of the regulations were made under The European Union (Withdrawal) Act 2018 (c.16) in order to fix deficiencies in law (arising from EU exit) or to provide transitional arrangements. Others used existing powers to amend relevant provisions in order to correct or clarify technical points.

The following have been added for illustrative purposes:

- [The Food and Feed \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022](#)
- [The Food Composition, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#)
- [The Food and Feed Safety and Hygiene \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#)

7.2 UK Parliament Statutory Instruments

Instruments made by the UK Parliament amended directly applicable law (known at the time as retained EU law, now assimilated law) in order to ensure that it continued to be operable in a GB context post EU exit. Many of the EU regulations and decisions etc make/made reference to EU institutions such as the Commission or

European Food Safety Authority etc. These instruments therefore amended those elements of retained law to refer instead to (for example) “the appropriate authority” rather than the Commission, or to the “UK” instead of member states or the EU etc.

For example:

- [The Food \(Amendment\) \(EU Exit\) Regulations 2019](#)
- [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020](#)
- [The Nutrition \(Amendment\) and Food for Specific Groups \(Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula\) \(Information and Compositional Requirements\) \(Amendment\) Regulations 2021](#)

As these instruments were made by GB instrument they were required to be notified to the Scottish Parliament in order to afford it the opportunity to scrutinise proposals to consent to the UK Government legislating in a devolved area.

Further information on the notification and correspondence with the parliament at the time can be found in the archived Scottish Parliament web pages:

- [\(ARCHIVED\) UK Statutory Instruments - European Union \(Withdrawal\) Act 2018](#)

8. Food Related Legislation led by Other Government Departments

This section provides a summary of some of the key areas of legislation that are relevant to food safety and standards, but on which responsibility for advising the public and Ministers sits with departments other than FSS. For example weights and measures legislation is reserved to the UK Parliament but is relevant for food labelling purposes. Veterinary residues and animal health and welfare legislation are enforced in abattoirs in Scotland by Food Standards Scotland vets, but FSS is not the policy owner for these areas.

Likewise there are many areas of food related law that cross cut issues relating to sustainability, economy as well as dietary issues such as the [Good Food Nation \(Scotland\) Act 2022](#), which provides a legislative framework with a view to delivering “a Good Food Nation, where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day.”

More information can be found at:

- [Good Food Nation: Food and drink](#)

This section therefore lists some of these additional food law areas with contacts should you have any further queries. Please note – this is not a definitive list of non FSS lead food law.

Regulation Name	Description
<p><u>The Animal By-Products (Enforcement) (Scotland) Regulations 2013</u></p>	<p>Enforcing Regulation (EC) No 1069/2009 of the European Parliament and of the Council which sets out requirements as regards animal products and derived products not intended for human consumption.</p> <p>Contact: Scottish Government Animal health and welfare Division -International Trade team. Tel: 0300 244 9874</p> <p><u>Animal by-products - Animal health and welfare</u></p>
<p><u>The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012</u></p>	
<p><u>The Mandatory Use of Closed Circuit Television in Slaughterhouses (Scotland) Regulations 2020</u></p>	
<p><u>The Charges for Residues Surveillance Regulations 2006</u></p>	<p>Charges in relation to the checks carried out Contact: Veterinary Medicines Directorate Tel: 01932 336911</p> <p>AHWD Veterinary Advice Team Tel: 0300 244 9874</p>
<p><u>The Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008</u></p>	<p>Provides for the enforcement of EU provisions setting maximum residue levels of pesticides in or on food and feed of plant and animal origin.</p> <p>Contact: Scottish Government Tel: 0300 244 9853 / 0300 244 9853</p>
<p><u>The Products of Animal Origin (Disease Control) (Scotland) Order 2008</u></p>	<p>Enforcement of animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption.</p>

<p><u>Weights and Measures Act 1985</u></p>	<p>To note that a number of Regulations are made under the Act, setting out specific provisions relating to weights and measures – including a number relating to food such as: The Weights and Measures (Packaged Goods) Regulations 2006 (SI 2006/659) and the Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040)</p> <p>Contact: National Measurement Office Tel 020 8943 7272.</p> <p>Businesses or members of the public who have queries or complaints regarding the law on weights and measures should visit the Consumer Direct website for more information.</p>
<p><u>The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010</u></p>	<p>Implements Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.</p>
<p><u>The Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015</u></p>	<p>Implements Directive 1996/23/EC. Sets out restrictions on veterinary medicinal substances that can be used to treat food-producing animals, offences relating to possession of banned substances for use in food-producing animals as growth promoters and for the sale of animals/animal products containing residues of vet medicines at illegal levels.</p>
<p><u>Regulation (EU) 2016/429</u></p>	<p>On transmissible animal diseases.</p> <p>More information can be found here: <u>Animal Health Act 1981</u></p>

Other instruments relate to marketing provisions – product standards etc for food and drink for example:

Regulation Name	Description
<u>The Wine Regulations 2011</u>	Provides a legislative basis to provide specified authorities in the UK with powers to enforce wine standard rules and sets a system of penalties for non-compliance with those rules. Contact: Scottish Government Tel: 0300 244 9280
<u>The Scotch Whisky Regulations 2009</u>	These Regulations impose additional national requirements in relation to Scotch Whisky in addition to the requirements that apply to Scotch Whisky by virtue of Regulation (EC) No 110/2008 (OJ No L 39, 13.2.2008, p 16) of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89.
<u>The Spirit Drinks Regulations 2008</u>	These Regulations make provision for the enforcement of Regulation (EC) No 110/2008 (OJ No L 39, 13.2.2008, p 16) of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, and give enforcement authorities new powers in relation to the enforcement of EC requirements relating to spirit drinks, including the power to give improvement notices and to impose monetary penalties by penalty notice.
<u>The Beef and Veal Labelling (Scotland) Regulations 2010</u>	Provides for the enforcement of compulsory beef labelling schemes. Contact - Scottish Government Tel: 0131 244 9256

<p><u>The Marketing of Horticultural Produce (Scotland) Regulations 2009</u></p>	<p>These Regulations provide a new statutory framework for the enforcement of the Community marketing rules in the fresh fruit and vegetable sector provided for in Articles 113 and 113a of Council Regulation (EC) No 1234/2007 (O.J. No. L 299, 16.11.2007, p.1) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), and contained in Title II of Commission Regulation (EC) No. 1580/2007 (O.J. No. L 350, 31.12.2007, p.1) laying down implementing rules of Council Regulations (EC) No. 2200/96, (EC) No. 2201/96 and (EC) No. 1182/2007 in the fruit and vegetable sector. In particular, they implement the revisions made to the Community marketing rules introduced by Commission Regulation (EC) No. 1221/2008 (O.J. No. L 336, 13.12.2008, p.1) amending Regulation (EC) No. 1580/2007 laying down implementing rules of Council Regulations (EC) No. 2200/96, (EC) No. 2201/96 and (EC) No. 1182/2007 in the fruit and vegetable sector as regards marketing standards.</p>
<p><u>The Olive Oil (Marketing Standards) Regulations 2014</u></p>	<p>These Regulations enforce in the United Kingdom Article 78(1)(g) and (2) of and Part VIII 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 (OJ No L 347, 20.12.2013, p671), Commission Implementing Regulation (EU) No 29/2012 on marketing standards for olive oil (OJ No L 12, 14.1.2012, p14) and Commission Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis (OJ No L 248, 5.9.1991, p1) (“the EU Regulations”).</p>

<p><u>The Organic Products Regulations 2009</u></p>	<p>These Regulations revoke and replace the Organic Products (Imports from Third Countries) Regulations 2003 (S.I. 2003/2821) and the Organic Products Regulations 2004 (S.I. 2004/1604). They extend to the United Kingdom.</p>
<p><u>The Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990</u></p>	<p>These Regulations, which apply to Scotland only, make provision for the execution and enforcement of directly applicable Community provisions relating to the marketing of preserved sardines in the Community set out in Council Regulation (EEC) No. 2136/89 (OJ No. L212, 22.7.89, p.79).</p>
<p><u>The Poultrymeat (Scotland) Regulations 2011</u></p>	<p>Contact: Scottish Government Tel: 0300 244 9144</p>
<p><u>The Veterinary Medicines Regulations 2013</u></p>	<p>FSS operations deliver requirements of these Regs under SLA with VMD.</p> <p>More information can be found here:</p> <p><u>Guidance: Veterinary medicines legislation</u></p>