



## EXECUTIVE NOTE

### **The Curd Cheese (Restriction on Placing on the Market) (Scotland) (Revocation) Regulations 2007 S.S.I. 2007/188**

1. The above instrument was made under the powers in section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

2. The Regulations are required to implement Commission Decision 2007/148/EC. The new Decision repeals the emergency measures adopted in Commission Decision 2006/694/EC which prohibited the placing on the market of curd cheese manufactured in a dairy establishment in the United Kingdom.

#### **Background**

3. The Food and Veterinary Office (FVO) of the European Commission first audited Bowland Dairy Products on 9 June 2006. The FVO identified a number of concerns regarding the raw materials used to manufacture curd cheese, including the use of raw milk testing positive for the presence of antibiotic residues after a screening test, and the use of interface milk and surplus heat treated drinking milk.
4. During the audit the FVO also identified a number of 'cheese recovery' practices, including a non-approved operation, some of which they considered to be in breach of food hygiene legislation. This practice was stopped following a Food Standards Agency audit of the premises on 20 June.
5. A further FVO audit of the plant was carried out on 26/27 September, but this visit failed to satisfy the Commission's concerns about the company.
6. Commission Decision 2006/694EC was adopted on 13 October 2006 and required all Member States to prohibit the marketing of curd cheese from the company, and to ensure that any existing supply is destroyed. The Curd Cheese (Restriction on Placing on the Market) (Scotland) Regulations 2006 gave effect to that Decision.
7. In January 2007, the Food Standards Agency submitted evidence to the Commission that all curd cheese held at Bowland Dairy Products Ltd had been disposed of in accordance with Decision 2006/694/EC.
8. The Commission was satisfied with UK assurances, and on 21 February 2007 the Standing Committee on Food Chain and Animal Health voted in favour of a draft Commission Decision repealing Decision 2006/694/EC, which was subsequently adopted on 2 March. The above instrument is required to implement this new Decision and needs to be transposed into national legislation as a matter of urgency in order for the company to resume production.

### **Other Administrations**

9. The Regulations will apply to Scotland. Separate, parallel legislation is being put in place in England, Wales, and Northern Ireland.

### **Consultation**

10. A short public consultation on the draft statutory instrument has been carried out. We received one comment in support of the proposed measure. A Regulatory Impact Assessment and Sustainability Assessment have not been prepared.

### **Food Standards Agency Scotland**

**5 March 2007**