

EXECUTIVE NOTE TO
THE SPREADABLE FATS, MILK AND MILK PRODUCTS (SCOTLAND)
REGULATIONS 2008
SSI 2008/ 216

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 6(4), 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990. This instrument is subject to negative resolution procedure.

Policy Objectives

The instrument, which extends to Scotland only, provides for the execution and enforcement of certain provisions of Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single Common Market Organisations (CMOs) Regulation) (“Regulation 1234/2007”)¹.

Regulation 1234/2007 revokes and consolidates a large number of EC marketing standards measures into a single instrument. Among the EC instruments revoked and consolidated into Regulation 1234/2007 without amendment are two Community instruments, one on marketing standards for spreadable fats and the other on permitted designations for milk and milk products.

This instrument will provide for the enforcement of provisions formerly contained in the two repealed Community instruments and formerly enforced in two separate statutory instruments. This instrument revokes and replaces without substantive amendment The Milk and Milk Products (Protection of Designations) Regulations 1990 (“the 1990 Regulations”) and The Spreadable Fats (Marketing Standards) (Scotland) Regulations 1999 (“the 1999 Regulations”). The instrument also revokes and replaces The Spreadable Fats (Marketing Standards) (Scotland) Amendment Regulations 2007 which amended the 1999 Regulations.

It should be noted that Annex XV of Regulation 1234/2007 makes provision for Member States to adopt or maintain certain national rules about the quality levels of spreadable fats and this allows, among other things, national rules about the raw materials used. This is the basis for regulation 7 of this instrument on vitamin content of margarine (which reproduces the same provision in the 1999 Regulations).

¹ The full Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:299:0001:0149:EN:PDF>

Policy Background

Regulation 1234/2007 was published on 16 November 2007. The Regulation revises a number of specific commodity regulations and its creation forms part of a wider simplification and streamlining exercise of the Common Agricultural Policy Regime. Currently in Scotland, the 1990 Regulations and the 1999 Regulations enforce European Council Regulations 1898/87 (on the protection of designations used in the marketing of milk and milk products) and 2991/94 (laying down standards for spreadable fats) respectively.

On 1 July 2008 these European Regulations will be repealed and the provisions relating to dairy products and spreadable fats, detailed in Regulation 1234/2007, will come into force. Member States are required to enact legislation to execute and enforce the new Regulation, and as it governs both spreadable fats and designations of milk and milk products, it was considered good regulatory practice to revoke the existing separate statutory instruments and remake the necessary provisions in one instrument.

Consultation

As this replacement instrument will simply consolidate existing measures, with some updating of references to European legislation, the Agency did not hold a full formal consultation. However, an Interested Parties letter, which included a draft of the Scottish statutory instrument, was issued on 19 March 2008. This was issued to 270 stakeholders (including industry, consumer groups, and enforcement authorities) and provided three weeks in which to submit comment. One response was received which commented on the form of Vitamin D referred to in the draft instrument. However, as this is a consolidation exercise to ensure continued enforcement of existing requirements there was no scope for this type of amendment to be considered.

Financial Implications

The Agency has not produced a Regulatory Impact Assessment (RIA) due to the non-substantive nature of the change to domestic legislation.

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