

EXECUTIVE NOTE

THE REPORTING OF PRICES OF MILK PRODUCTS (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/81

Introduction

1. The Reporting of Prices of Milk Products (Scotland) Amendment Regulations 2011 (“the Regulations”) are made in exercise of powers conferred upon Scottish Ministers by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. They are subject to negative resolution procedure.

Purpose of the instrument

2. The Regulations will amend the Reporting of Prices of Milk Products (Scotland) Regulations 2005 (SSI 2005/484) (“the principal Regulations”) by amending references to EU law in order to refer to Commission Regulation (EU) No 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States’ notifications to the Commission in the milk and milk products sector. The Regulations will also make specific references to EU law in the principal Regulations ambulatory.

Legislative Context

3.1 The Regulations amend the principal Regulations, as the principal Regulations currently implement Article 6 of Commission Regulation (EC) No 562/2005 laying down rules for the implementation of Council Regulation (EC) No 1255/1999 as regards communications between Member States and the Commission in the milk and milk products sector. Commission Regulation (EC) No 562/2005 was repealed and replaced with limited amendments by Commission Regulation (EU) No 479/2010. Those amendments concerned the milk products on which price reporting must take place, and the frequency at which those reports must be made.

3.2 The Regulations make amendments in order to update the references in the principal Regulations in light of these changes to the EU law. The definition of “raw milk” is also included in the definition of “milk products” for clarity, and some further amendments are made to regulation 3 in order to ensure that the relevant information is provided to the Scottish Ministers at the frequency determined by the relevant Commission Regulation.

3.3 The Regulations also amend the principal Regulations to provide that any references to Commission Regulation (EU) No 479/2010 are to be construed as references to those provisions as amended from time to time. Should further amendments to Commission Regulation (EU) No 479/2010 be made, the Scottish Government will publish relevant information on its website and send updates to interested parties where considered appropriate. Any amendments to these provisions will also be published on the Europa website, (http://europa.eu/documentation/legislation/index_en.htm).

Territory Extent and Application

4.1 This instrument applies to Scotland only.

Policy Background

5.1 The common organisation of the market in milk and milk products includes a number of measures designed to manage the markets. The Commission uses price information to analyse the market situation and determine what measures are required to manage the market.

5.3 As Commission Regulation (EC) No 562/2005 was repealed and replaced with limited amendments by Commission Regulation (EU) No 479/2010, the principal Regulations required to be updated, and the Regulations amend the principal Regulations by updating EU law references with new references. Commission Regulation (EU) No 479/2010 now provides that prices of certain milk products should be notified to the Commission where the national production represents 1% or more of EU production (down from 2%) and cheese products representing 4% or more of the total national cheese production (down from 8%). Furthermore, some products now require to be reported on a monthly basis instead of on a weekly basis. The details are contained in Article 2 and Article 3 and Annexes I.A and I.B to Regulation (EU) No 479/2010, as amended.

Consultation Outcome

6. The bodies listed in Annex A have been consulted during the preparation of the instrument. The consultation was also published on the SG website. We have received no responses.

Impact

7. The changes to the principal Regulations should have no cost implications for the milk industry as it is not anticipated that the number of milk processors who are required to price report will increase as a result of the changes to EU law, nor is it anticipated that the changes to product specification and market share will have an impact upon those milk processors who currently price report. For this reason a Business Regulatory Impact Assessment has not been prepared.

Contact

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Annex A

Arla Foods
Association of Public Service excellence
NFU Scotland
Convention of Scottish Local Authorities
Dairy UK Scotland
Dairy Farmers of Scotland
Scottish Dairy Cattle Association
First Milk
Food Standards Agency Scotland
Graham's Family Dairy
Orkney Milk
Robert Wiseman Dairies
Scottish Consumer Council
Scottish Grocers Federation
Scottish Retail Consortium