
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the enforcement of Article 114(2) of, and Annex XIII (“the Annex”) to, Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (“the Single CMO Regulation”). The Drinking Milk Regulations 1998 are revoked (regulation 10).

The Drinking Milk Regulations 1998 enforced Council Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk (O.J. L 351, 23.12.97, p.13). That Regulation was amended by Council Regulation (EC) No 1602/1999 (O.J. L 189, 22.7.99, p.43) and by Council Regulation (EC) No 1153/2007 (O.J. L 258, 4.10.07, p.6) and then repealed by the Single CMO Regulation. The Single CMO Regulation consolidated the old EU law, including the new provision from Council Regulation (EC) No 1153/2007 which allows milk with a fat content outwith the three set fat categories, whole milk, semi-skimmed and skimmed milk, to be marketed subject to the correct labelling and the deletion made by Council Regulation (EC) No 1602/1999 in relation to fat content requirement.

These Regulations provide that the sale or delivery of milk and the use or non-use of a sales description for any product in contravention of the Annex is prohibited (regulation 3). The importation of any product from outside the EU in contravention of point IV of the Annex is also prohibited (regulation 4). Provision is made for enforcement and offences and penalties (regulations 5 and 6).

Certain provisions of the Food Safety Act 1990 are applied for the purposes of these Regulations with certain modifications (regulation 7) including the application of section 32 (power of entry) in order to assist with the enforcement of these Regulations. Certain amendments are made to the Food Labelling Regulations 1996 to replace the definitions of semi-skimmed, skimmed and whole milk and to insert a definition of the Single CMO Regulation (regulation 8). Certain amendments are made to the Milk and Dairies (Scotland) Regulations 1990 to update a definition to the Single CMO Regulation (regulation 9).

These Regulations provide that references in these Regulations to Article 114(2) and the Annex of the Single CMO Regulation are references to those provisions as amended from time to time. Any amendments to these provisions will be published on the Europa website, (http://europa.eu/documentation/legislation/index_en.htm). Additionally the Scottish Government will publish relevant information on the Scottish Government website (www.scotland.gov.uk) and updates will be sent to interested parties where considered appropriate. The definition of the Single CMO Regulation to be inserted into the Food Labelling Regulations 1996 and the amendment to the Milk and Dairies (Scotland) Regulations 1990 referring to the Single CMO Regulation, however, are not ambulatory references to the Single CMO Regulation as amended from time to time.

A Business and Regulatory Impact Assessment has not been produced for this instrument as there will be no cost to business.