

POLICY NOTE

THE COUNTRY OF ORIGIN OF CERTAIN MEATS (SCOTLAND) REGULATIONS 2016

SSI 2016/84

1. Description

The above instrument is to be made by Scottish Ministers in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1), (2) and (3), 31(1) and 48(1), (2) and (6) of the Food Safety Act 1990, and by section 2(2) of, and paragraph 1A in Schedule 2 to, the European Communities Act 1972 and all other powers enabling them to do so. The instrument is subject to the negative procedure.

2. Policy Objective

The main purpose of the Country of Origin of Certain Meats (Scotland) Regulations 2016 is to provide enforcement powers to underpin the directly applicable European Commission Implementing Regulation (EU) No 1337/2013 regarding the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.

3. Policy Background

The Food Information to Consumers Regulation (EU) No 1169/2011 (FIC) is the overarching European Regulation on general food labelling and nutrition labelling.

FIC requires the Commission, following impact assessments, to adopt an implementing act concerning the application of Article 26 (2) (b). That Article states that the indication of the country of origin or place of provenance shall be mandatory for fresh, chilled or frozen meat of pigs, poultry, sheep and goats.

The Commission Implementing Regulation (EU) No 1337/2013 was made in December 2013 and the Scottish Government will need this Scottish Statutory Instrument (SSI) to provide enforcement powers to underpin the European Regulation.

4. Consultation

A 12 week public consultation was carried out in Scotland on the draft SSI from 25 September to 18 December 2015. A total of 8 responses were received from over 200 stakeholders on the consultee list.

Two responses raised concerns that the Regulations only applied to prepacked meats and did not extend to meats sold loose either from retail or catering establishments. However, non-prepacked food, as provided by caterers to their customers in hotels, restaurants and cafés or

from deli counters, bakers and other retail outlets, is exempt from most of the labelling requirements under FIC.

Responses from Local Authorities suggested a reappraisal of enforcement costs and responsibility. These points were addressed in the final SSI and Business and Regulatory Impact Assessment (BRIA).

5. Other Administrations

These Regulations apply to Scotland only and corresponding Regulations have been introduced in the other UK countries.

6. Guidance

Guidance notes for the new Regulations will be prepared in due course.

7. Impact Assessment

A final BRIA has been prepared following the public consultation and discussions with various Scottish businesses and it accompanies this note.

8. Regulating small businesses

This legislation applies to small business in the same manner as to larger businesses. The vast majority of firms in the Scottish food industry are small businesses, so to exclude them would undermine the policy aims of the Regulations.

9. Monitoring

Food Standards Scotland (FSS) will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of this instrument will be monitored by FSS via general feedback from industry and Enforcement Authorities.

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