

POLICY NOTE

THE BEEF AND PIG CARCASE CLASSIFICATION (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/182

The above instrument was made in exercise of the powers conferred by section 2(2) and paragraph 1A of schedule 2 of the European Communities Act 1972. The instrument is subject to negative procedure.

Policy Objectives

The main policy objective is to ensure compliance with the EU regime for beef and pig carcase classification and price reporting which assists in the marketing of beef and pigs.

The classification and price reporting of beef and pig carcasses is done on a UK wide basis and is determined by an underlying EU regime. The EU regime for carcase classification and price reporting is currently laid down in Commission Regulation (EC) No 1249/2008 (the “Old EU Regulation”). The Old EU Regulation was implemented by the Beef and Pig Carcase Classification (Scotland) Regulations 2010. However on 11 July 2018 the Old EU Regulation will be repealed and replaced by two new EU instruments, the Commission Delegated Regulation (EU) 2017/1182 (the “Commission Delegated Regulation”) and the Commission Implementing Regulation (EU) No. 2017/1184 (the “Commission Implementing Regulation”). Following the change from the EU to their legislation it falls on the Scottish Government to implement the new EU law by making the necessary changes to our domestic regulations to ensure compliance with the new EU regime.

Given this background, this instrument implements specific changes to the Beef and Pig Carcase Classification (Scotland) Regulations 2010 arising from technical changes made by the EU in the Commission Delegated Regulation and the Commission Implementing Regulation.

Although there are a number of changes, made by this instrument, to reference new Articles of the Commission Delegated Regulation and the Commission Implementing Regulation, many of these references are in substance similar to the Old EU Regulation, even though the precise wording may have changed. There is a helpful correlation table in the Commission Delegated Regulation, which shows comparative provisions in the old and new EU regimes.

However there are some changes of substance made by this instrument which are highlighted below.

There is a new definition of adult bovine animal (regulation 3)

There are changes to the thought put of both beef and pigs as to when the abattoir has an exemption from classification and price reporting,

- beef is from not more than 75 to less than 150 (regulation 4) and

- pigs is from not more than 200 to less than 500 (regulation 9)

Pig price reporting is now mandatory, whereas before it was carried out by industry on a voluntary basis (regulation 2 and schedule 2).

There are technical changes to the permitted marking of carcasses (regulation 6 and 11).

There is a new offence of incorrect classification of pig carcasses (regulation 15, inserting new regulation 22A)

Consultation

Although there has been no formal consultation on the instrument we have had informal discussions with those plants who carry out carcass classification and those affected by the new mandatory requirement to price report for pigs. These discussions have informed them of the changes resulting from the new EU regime. Particular issues which were brought to their attention are the change in throughput effects on whether they have to classify on a mandatory basis and the requirement to price report for pigs on a mandatory basis. There was no concerns from the plants who are involved.

Impact Assessments

There are no equality/children's/privacy, etc. impact issues. A full BRIA was carried out for the Beef and Pig Carcass Classification (Scotland) Regulations 2010, but it is considered that a BRIA is unnecessary for this instrument (see below).

Financial Effects

After consideration, discussion with stakeholders and discussion within the Scottish Government, it has been concluded that a BRIA is not necessary as the instrument has no financial effects on the Scottish Government, local government or on business. This is due to the fact that the majority of the changes do not have any effect on the current practical operation of the plants in carrying out carcass classification. There is no real change required to current practices for carcass classification for pigs and beef, or for price reporting for beef.

Plants who will fall within the threshold for the throughput of pigs will newly have to price report on a mandatory basis. Some of industry are already doing this on a voluntary basis. In so far as the price reporting requirements are new, price reporting merely involves electronically sending prices to the Agriculture and Horticulture Development Board (AHDB). These prices are already held by industry and, after discussion with stakeholders, it is considered that there is no additional cost or burden for them to send this information on to AHDB, as this will be done on existing computer technologies.

Scottish Government
Directorate for International Trade and Investment
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