

**EXPLANATORY MEMORANDUM TO
THE DRINKING MILK (AMENDMENT) (ENGLAND) REGULATIONS 2007**

2007 No. 3428

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument updates the Drinking Milk Regulations 1998, in the light of the latest amendment to Council Regulation (EC) No 2597/1997.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Statutory Instrument amends the Drinking Milk Regulations 1998 (Statutory Instrument 1998/2424) by substituting a new definition of “the Council Regulation” to take account of amendments to Council Regulation (EC) No 2597/1997 which lays down additional rules on the common market organisation of the market in milk and milk products for drinking milk.

5. Territorial Extent and Application

5.1 This instrument applies to England. Separate, but similar, legislation will be made in Scotland, Wales, and Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure, and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The amendment to Council Regulation (EC) No 2597/1997 was made as part of the Commission’s package of measures relating to the dairy sector (the Explanatory Memorandum for which was tabled on 6 March 2007). The amendment liberalises the drinking milk regime and allows milk with a fat content falling outside the three set fat categories to be marketed, provided it is adequately labelled.

7.2 A formal consultation was conducted between 8 March and 19 April 2007 on the changes to the Community legislation. Technical concerns raised by a respondent on the drinking milk proposal were addressed during the negotiations. As the changes have now been reflected in the EU legislation it is necessary to make this Statutory Instrument solely to update the references to the amending EU legislation. In these circumstances a further consultation would serve no useful purpose. However, stakeholders will be informed of the matter.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen. An Impact Assessment for the changes in the Community legislation will be tabled shortly.

9. Contact

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Who can answer enquiries regarding this instrument.