

EXPLANATORY MEMORANDUM TO
THE CURD CHEESE (RESTRICTION ON PLACING ON THE MARKET)
(ENGLAND) (REVOCATION) REGULATIONS 2007

2007 NO. 673

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

These Regulations are required to revoke The Curd Cheese (Restriction on Placing on the Market) (England) Regulations 2006 in England, thus giving effect to a new Commission Decision repealing Commission Decision 2006/694/EC of 13 October 2006 prohibiting the placing on the market of curd cheese manufactured in a dairy establishment in the United Kingdom. The new Decision has not yet been published in the Official Journal of the European Communities.

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

The Instrument will be made on 5 March 2007 and will come into force on 6 March. It will therefore breach the 21-day rule. The reason for the breach is that once Decision 2006/694/EC has been revoked the dairy establishment affected by that Decision is entitled to resume production.

4. **Legislative Background**

- 4.1 The Instrument is made and laid under section 2(2) of the European Communities Act 1972.
- 4.2 These Regulations revoke The Curd Cheese (Restriction on Placing on the Market) (England) Regulations 2006 in England, thus giving effect to the Commission Decision repealing the emergency measures adopted in Commission Decision 2006/694/EC last October.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England.
- 5.2 There will be separate but parallel measures in Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

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

7. Policy Background

- 7.1 Commission Decision 2006/694/EC of 13 October 2006 required EU Member States required to prohibit the placing on the market of all curd cheese manufactured by Bowland Dairy Products Limited, located at Fulshaw Head Farm, Barrowford, Lancashire, BB9 6RA and to detain and dispose of existing supplies. This Decision was implemented in England by The Curd Cheese (Restriction on Placing on the Market) (England) Regulations 2006 (SI 2006 No. 2787).
- 7.2 In January 2007, the Food Standards Agency submitted evidence to the European Commission that all curd cheese held at Bowland Dairy Products Ltd had been disposed of in accordance with the Commission Decision.
- 7.3 The Commission was satisfied by UK assurances, and on 21st February 2007 the Standing Committee voted in favour of a draft Commission Decision repealing Decision 2006/694/EC.
- 7.4 The Commission therefore moved to adopt the repealing Decision, which has immediate effect. The Instrument revokes SI 2006 No. 2787 which implemented Decision 2006/694/EC in England. There has been media interest in the Bowland case over time, however the making of this Instrument of itself is unlikely to generate media interest.
- 7.5 There has been a rapid public consultation on the draft Instrument involving those most likely to be affected or have an interest in it. No comments were received.

8. Impact

Regulatory Impact and Sustainability Assessments have not been prepared for this Instrument as it effectively revokes emergency controls.

9. Contact

Chris Pratt at the Food Standards Agency, telephone 020 7276 8982 or e-mail chris.pratt@foodstandards.gsi.gov.uk can answer any queries regarding the Instrument.