

**EXPLANATORY MEMORANDUM TO**  
**THE SPREADABLE FATS (MARKETING STANDARDS) AND THE MILK AND**  
**MILK PRODUCTS (PROTECTION OF DESIGNATIONS) (ENGLAND)**  
**REGULATIONS 2008**

**2008 No. 1287**

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

**2. Description**

2.1 The Regulations provide for the execution and enforcement of certain provisions of Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) of 22 October 2007 (“Regulation 1234/2007”). This Statutory Instrument replaces without substantive amendment the Milk and Milk Products (Protection of Designations) Regulations 1990 and the Spreadable Fats (Marketing Standards) (England) Regulations 1999.

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

3.1 None

**4. Legislative Background**

4.1 Regulation 1234/2007 consolidates a large number of EC marketing standards measures into a single instrument. Among the EC instruments revoked and consolidated into it without amendment are two Regulations, one of which dealt with marketing standards for spreadable fats and the other with permitted designations for milk and milk products.

**5. Extent**

5.1 This instrument applies to England only. Parallel legislation is being 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 Regulation 1234/2007 was published on 22 October 2007. The Regulation revises a number of specific commodity regulations and its creation forms part of a wider simplification and streamlining exercise of the Common Agricultural Policy Regime. Currently in England, The Milk and Milk Products (Protection of Designations) Regulations 1990 and The Spreadable Fats (Marketing Standards) (England) Regulations 1999 enforce European Council Regulations 1898/87 (on the protection of designations used in the marketing of milk and milk products) and 2991/94 (laying down standards for spreadable fats) respectively. .
- 7.2 On 1 July 2008 these European Regulations will be repealed and the provisions relating to dairy products and spreadable fats, detailed in Regulation 1234/2007, will come into force. Member States are required to enact legislation to execute and enforce the new Regulation, and as it governs both spreadable fats and designations of milk and milk products, it was considered good regulatory practice to revoke the existing separate SIs and remake the necessary provisions in one instrument.

## **8. Impact**

- 8.1 The Agency has not produced an Impact Assessment (IA) due to the non-substantive nature of the change to domestic legislation.

## **9. Contact**

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Who will be able to respond to any enquiries regarding this SI.