

Explanatory Memorandum to the Fats (Marketing Standards) and the Milk and Milk Products (Protection Of Designations) (Wales) Regulations 2008

This Explanatory Memorandum has been prepared by the Food Standards Agency Wales and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

These Regulations implement Council Regulation 1234/2007 of 22 October 2007 by replacing without substantive amendment the Milk and Milk Products (Protection of Designations) Regulations 1990 and the Spreadable Fats (Marketing Standards) (Wales) Regulations 2001.

Matters of special interest to the Subordinate Legislation Committee

None.

Legislative Background

The powers enabling the Regulations to be made are contained in Sections 16(1), 17(2), 26(1) and 48(1) of the Food Safety Act. These are exercisable by Welsh Ministers. The Regulations are subject to the Assembly's negative resolution procedure.

Purpose and Intended effect of the legislation

These 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").

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 Wales, The Milk and Milk Products (Protection of Designations) Regulations 1990 and The Spreadable Fats (Marketing Standards) (Wales) Regulations 2001 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.

On 1 July 2008 these European Regulations will be repealed and the provisions relating to dairy products and spreadable fats, detailed in Regulation 1234/2007, will come into force.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.

Implementation

It is intended that these regulations will come into force no later than 1 July 2008. Separate but parallel instruments will also come into force in England, Scotland and Northern Ireland no later than 1 July 2008.

Regulatory Impact Assessment

The Agency has not produced a Regulatory Impact Assessment due to the non-substantive nature of the change to domestic legislation.

Consultation

As the amending legislation will simply update any references from Regulations 1898/87 and 2991/94 to the new Regulation 1234/2007, and will not result in any substantive changes, the Agency did not hold a full formal consultation. However, an Interested Parties letter which included the draft SI for England was issued on 12 March 2008 and provided a month in which to submit comments.

There were no responses to the consultation from Welsh stakeholders; however, across the UK, two responses were received. One was from the Royal Environmental Health Institute of Scotland saying they would not be commenting. The other was from the Local Authority Coordinators of Regulatory Services (LACoRS UK). Their main concern was that the draft SI should contain more text transposed from the parent EC Regulation, rather than simply referring to that legislation, to make it easier for enforcers to follow. The FSA response is that at the moment this exercise is to ensure continuity of enforcement powers and given the time scale, a major revision of the format was not practical, although that could be considered at a future date. LACoRS UK said they were content with this reply.