**EXPLANATORY MEMORANDUM TO**

**THE BEEF AND VEAL LABELLING REGULATIONS 2010**

**2010 No. 983**

**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. Purpose of the instrument

2.1 This instrument will:-

- continue to enforce the existing EU legislation currently enforced by The Beef and Veal Labelling Regulations 2008 (SI 3252/2008) which are revoked and replaced by these Regulations;
- enforce EU provisions on labelling un-prepacked meat of bovine animals aged 12 months or less, contained in Council Regulation (EC) No. 1234/2007 and Commission Regulation (EC) No. 566/2008.

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

3.1 None.

## 4. Legislative Context

4.1 This instrument is being made using the powers under the European Communities Act 1972 and has been the subject of consultation with interested stakeholders as required by Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

4.2 It replaces the Beef and Veal Labelling Regulations 2008. It continues to:-

- enforce the provisions for the EU beef labelling rules contained in Title II of Regulation (EC) No.1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and subsidiary Commission Regulations, including Commission Regulation (EC) No.1825/2000, and

- enforce the provisions relating to (prepacked) meat of bovine animals aged 12 months or less of Council Regulation (EC) No.1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products as well as the provisions of Commission Regulation (EC) No.566/2008 laying down detailed rules for the application of Council Regulation (EC) No.1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less.

4.3 The new instrument now includes, in addition, enforcement provisions covering the following:-

- the labelling of un-prepacked meat of bovine animals aged 12 months or less,

- the labelling of trimmings, pre-packaged cut meat and non-pre-packaged cut meat (Articles 5a, 5b and 5c of Commission Regulation (EC) No. 1825/2000).

4.4 The proposal for Council legislation on the marketing of the meat of bovine animals aged 12 months or less was considered by the EU Scrutiny Committees in both 2006 and again in 2007 when it was being incorporated into the Single CMO. On both occasions it was classified as not legally or politically important and cleared from scrutiny.

## 5. Territorial Extent and Application

5.1 This instrument applies to England only.

5.2 Similar instruments are 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 The instrument implements the Government's obligation to introduce measures to enforce EU legislation in relation to Beef and Veal Labelling. The changes are not legally or politically of high importance.

7.2 The rules on the marketing of the meat of bovine animals aged 12 months or less came into effect under EU legislation from 1 July 2008 and an instrument to enforce these rules came into force on 19 January 2009 (SI 3252/2008). For meat of bovine animals aged 12 months or less presented for sale un-prepacked at the point of retail sale to the final consumer, the Commission required Member States to lay down rules on how the information would to be presented and notify these rules to the Commission over a longer timescale.

7.3 The rules are directly applicable and are intended to protect consumers from misleading or confusing sales descriptions for meat from bovine animals aged 12 months or less so that they can make a clear distinction between veal from animals aged 8 months or less and meat from animals aged 8-12 months. The instrument implements the Government's obligation to introduce measures to enforce this EU legislation. There is limited leeway to change the scope of the instrument as it enforces EU legislation which is directly applicable.

## 8. Consultation outcome

8.1 A wide range of stakeholders representing the full range of the market chain from producers to retailers were consulted in July 2008 on the draft Beef and Veal Labelling Regulations 2008. There were only five responses to this consultation exercise, with only the one from LACORS commenting on the detail of the draft instrument. These comments were incorporated into the 2008 Regulations where appropriate. A more detailed analysis of this 2008 consultation exercise was included in the final Impact Assessment and also placed on the Defra website.

8.2 In 2009 Defra sought views from industry stakeholders on how un-prepacked meat from the meat of bovine animals aged 12 months or less should be labelled. The outcome concluded that the required information should be displayed near the meat so as to allow the final consumer to identify it easily, and should be clearly legible. This is in line with the labelling requirements for other un-prepacked beef under EC Regulations 1760/2000 and 1825/2000 (the Beef Labelling Regulations).

8.3 Only a small part of the retail sector sells un-prepacked meat and therefore not many operators will be affected by the rules.

## 9. Guidance

9.1 A detailed guidance note explaining how the new EU provisions on the marketing of meat of bovine animals aged 12 months or less will operate has been provided by Defra. It has been placed on the website of the Rural Payments Agency (RPA) which is responsible for the implementation of the EU Beef and Veal Labelling system. It is available to users, stakeholders and enforcement agencies.

## 10. Impact

10.1 There is no impact on charities or voluntary bodies, or the industry at large. The measure should not affect the UK to any great extent as the market for veal and young bull beef from animals of 12 months or less is very small.

10.2 No significant impact on the public sector is anticipated.

10.3 An Impact Assessment is not attached to this memorandum as one was done for the main rules on pre-packed meat which were introduced in 2008.

## 11. Regulating small business

11.1 The legislation applies to small business.

11.2 The EU legislation applies to all businesses and there is no scope for a different approach to small business.

## 12. Monitoring and review

12.1 The impact of the policy will be reviewed in the UK in 2012.

## 13. Contact

Valerie Lyons at the Department for Environment, Food and Rural Affairs:
Telephone 020 7238 3092 or e-mail: valerie.lyons@defra.gsi.gov.uk can answer any queries regarding the instrument.