EXECUTIVE NOTE

THE BEEF AND VEAL LABELLING (SCOTLAND) REGULATIONS 2010
SSI 2010/402

Introduction

1. The above instrument was made in exercise of the powers conferred upon Scottish Ministers by Section 2 (2) of the European Communities Act 1972. It is subject to negative resolution procedure.

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 (Scotland) Regulations 2008 (SSI 2008/418) which are revoked and replaced by these Regulations;
- enforce EU provisions on labelling of un-prepacked meat of bovine animals aged 12 months or less, contained in Council Regulation (EC) No. 1234/2007; and
- enforce EU provision on the labelling of beef and beef products, contained in Articles 5a, 5b and 5c of Commission Regulation (EC) No. 1825/2000.

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3. Legislative Context

3.1 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.

3.2 It replaces the Beef and Veal Labelling (Scotland) 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 the subsidiary Commission Regulation (EC) No.1825/2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000; 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 (Single CMO Regulation), 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.

3.3 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, enforcing Paragraph IV (2) of Annex XIa to Council Regulation 1234/2007; and

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

3.4 Procedure is also outlined for operators to seek a review from the decision to issue a notice.

4. Territorial Extent and Application

4.1 This instrument applies to Scotland only.

4.2 Similar instruments are being made in England, Wales and Northern Ireland.

5. Policy background

5.1 The instrument implements the Government's obligation to introduce measures to enforce EU legislation in relation to Beef and Veal Labelling.

5.2 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 a Scottish Statutory Instrument to enforce these rules came into force on 25 January 2009 (SSI 418/2008). 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 was to be presented and notify these rules to the Commission over a longer timescale. This was consulted upon in March 2009, explained below.

5.3 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.

5.4 On reviewing the operation of the rules as a whole it was apparent that the rules in relation to beef and beef products at Articles 5a, 5b and 5c of Commission Regulation 1825/2000 which came into force in March 2007 should also have been enforced by the previous SSI. The opportunity has now been taken to do so.

6. Consultation outcome

6.1 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 (Scotland) Regulations 2008. Only one substantive response was received; this was from the NFUS who were generally supportive.

6.2 The Scottish Government 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). As only a small part of the retail sector sells un-prepacked meat, we consider that not many operators will be affected in practice by the rules. Moreover, views have also been sought in relation to the amendments to the beef labelling regulations in light of Articles 5a, 5b and 5c of Commission Regulation 1825/2000.

7. Guidance

7.1 A detailed guidance note explaining how the new EU beef labelling requirements and the new marketing requirements for meat of bovine animals aged 12 months or less will operate has been provided by the Scottish Government It has been placed on the Scottish Government website. It is available to users, stakeholders and enforcement agencies.

8. Impact

8.1 There is no impact on charities or voluntary bodies, or the industry at large. The measure in relation to bovine animals aged 12 months or less 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. The impact of the measures in relation to beef and beef products at Articles 5a, 5b and 5c of Commission Regulation 1825/2000 should also be minimal, which require that trimmings are also labelled, and make some additional requirements in relation to pre-packaged cut meat and non-prepackaged cut meat. Industry are largely compliant with these requirements at the moment.

8.2 No significant impact on the public sector is anticipated.

8.3 An Impact Assessment is not attached to this memorandum as one was done for the main rules introduced in 2008.

9. Regulating small business

9.1 The legislation applies to small business.

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

10. Monitoring and review

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

11. Contact

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