FOOD STANDARDS AGENCY SCOTLAND
Buidheann Inbhe-Bìdhe an Alba

EXECUTIVE NOTE

The Curd Cheese (Restriction on Placing on the Market) (Scotland) Regulations 2006

SSI/2006/512

1. The above instrument was made under the powers in section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The Regulations are required to implement Commission Decision 2006/694/EC prohibiting the placing on the market of curd cheese manufactured in a dairy establishment in the United Kingdom, which, in the Commission's view, constitute an immediate and serious risk to human health.

Background

3. The Food and Veterinary Office (FVO) of the European Commission first audited Bowland Dairy Products on 9 June 2006. The FVO identified a number of concerns regarding the raw materials used to manufacture curd cheese, including the use of raw milk testing positive for the presence of antibiotic residues after a screening test, and the use of interface milk and surplus heat treated drinking milk.

4. During the audit the FVO also identified a number of 'cheese recovery' practices, including a non-approved operation, some of which they considered to be in breach of food hygiene legislation. This practice was stopped following a Food Standards Agency audit of the premises on 20 June.

5. A further FVO audit of the plant was carried out on 26/27 September, but this visit failed to satisfy the Commission's concerns about the company.

6. On Friday 6 October the Standing Committee on Food chain and Animal Health voted in favour of a draft Commission Decision that requires Member States to prohibit the marketing of curd cheese from the company, and to ensure that any existing supply is destroyed.

7. The Commission Decision, adopted on 13 October, now needs immediate implementation. The Regulations give effect to the Decision and enables the enforcement authorities to take the required action where necessary.

Other Administrations

8. The Regulations will apply to Scotland. Separate, parallel legislation is being put in place in England, Wales, and Northern Ireland.

Consultation

9. As this is an emergency control measure, there has been no public consultation on the draft statutory instrument and a Regulatory Impact Assessment and Sustainability Assessment have not been prepared.

Food Standards Agency Scotland

19 October 2006