POLICY NOTE

THE FOOD HYGIENE (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/260

1. Description

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972 and all other powers enabling them to do so.

2. Policy Objective

The main purpose of The Food Hygiene (Scotland) Amendment Regulations 2016 is to replace references in The Food Hygiene (Scotland) Regulations 2006 to the now repealed Regulation (EC) No. 2075/2005 with references to Commission Implementing Regulation (EU) 2015/1375, laying down specific rules on official controls for *Trichinella* in meat ("the new Commission Regulation").

The Regulations also remove the references in The Food Hygiene (Scotland) Regulations 2006 to Commission Implementing Regulation (EC) No 1109/2011, which had amended the Annex to Regulation (EC) No 2075/2005.

3. Policy Background

In June 2015 the European Commission put forward a proposal that Regulation (EC) No 2075/2005 and all of its amendments go through a codification process in order to create a new Regulation that consolidates the previous version and all of its amendments. The proposal was welcomed by Food Standards Scotland and the pig meat industry as the codification provides more simplified instruction to industry.

The new Commission Regulation repealed Regulation (EC) No 2075/2005 as amended and consolidated the provisions at EU level that have applied since 2005 remaking them in the new codified Commission Regulation.

This codification includes minor changes to the specific rules on the controls for *Trichinella* that were initially made in Commission Implementing Regulation (EU) No 1114/2014. These changes introduced two new flexibilities; the first allows horse carcases to be cut into a maximum of six parts in slaughterhouses or in a cutting plant on the same premises pending results from *Trichinella* testing. The second is the introduction of an additional testing method for *Trichinella* in domestic swine.

4. Consultation

A shortened four week consultation was carried out in Scotland on the draft SSI from 25 November to 23 December 2015. No responses were received.

5. Other Administrations

These Regulations apply to Scotland only and corresponding Regulations will be introduced in the other UK countries.

6. Impact Assessment

A Business and Regulatory Impact Assessment (BRIA) has not been prepared to accompany these Regulations as it consolidates existing legislation, the latest of which was the subject of a full assessment in 2014, and does not change the requirements. As the interpretation of the Regulation remains the same and the flexibilities have no negative impact on Scottish practices, a further BRIA is not required.

7. Regulating small businesses

This legislation applies to small business in the same manner as to larger businesses.

8. Monitoring

Food Standards Scotland (FSS) will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of this instrument will be monitored by FSS via general feedback from industry and Enforcement Authorities.

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