STATUTORY INSTRUMENTS

2004 No. 2661

FOOD

The Olive Oil (Marketing Standards) (Amendment) Regulations 2004

Made - - -	*12th October 2004*
Laid before Parliament	*13th October 2004*
Coming into force	
for the purposes of regulation 2(b) and (c)	*1st November 2005*
for all other purposes	*1st November 2004*

The Secretary of State is a Minister designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Community.

The Secretary of State has consulted publicly with representative bodies as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**c**).

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, makes the following Regulations:

Title, extent and commencement

1.—(1) These Regulations may be cited as the Olive Oil (Marketing Standards) (Amendment) Regulations 2004 and shall extend to Great Britain.

(2) These Regulations shall come into force for the purposes of paragraphs (b) and (c) of regulation 2 on 1st November 2005 and for all other purposes on 1st November 2004.

Amendment of the Olive Oil (Marketing Standards) Regulations 2003

2. The Olive Oil (Marketing Standards) Regulations 2003(**d**) shall be amended as follows—

(**a**) The power of the Secretary of State, as a Minister designated by virtue of S.I. 1972/1811 in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State's power, as a Minister so designated, to make regulations which extend to Wales is confirmed by article 3(4) of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788).
(**b**) 1972 c. 68.
(**c**) O.J. No. L31, 1.2.2002, p. 1.
(**d**) S.I. 2003/2577.

(a) in regulation 2(1)—

(i) in the definition of "Regulation 136/66", for the words "Council Regulation (EC) No. 1513/2001" substitute the words "Regulation 865/2004";

(ii) in the definition of "Regulation 2568/91", for the words "Commission Regulation (EC) No. 796/2002" substitute the words "Commission Regulation (EC) No. 1989/2003(**a**)";

(iii) in the definition of "Regulation 1019/2002", for the words "Commission Regulation (EC) No. 1176/2003" substitute the words "Commission Regulation (EC) No. 1750/2004(**b**)";

(iv) after the definition of "Regulation 1019/2002", insert the following definition ""Regulation 865/2004" means Council Regulation (EC) No. 865/2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68(**c**)";

(b) in regulation 4(1)(a), for the words "Article 35.1 of Regulation 136/66" substitute the words "Article 4.1 of Regulation 865/2004";

(c) in regulation 4(1)(b), for the words "Article 35.2 of Regulation 136/66" substitute the words "Article 4.2 of Regulation 865/2004";

(d) in regulation 6(2), for the words "1st November 2004" substitute the words "1st July 2006";

(e) in regulation 8, for the words "the statutory minimum" substitute the words "level 5 on the standard scale".

Whitty
Parliamentary Under Secretary of State
12th October 2004 Department for Environment, Food and Rural Affairs

(**a**) O.J. L. 295, 13.11. 2003, p. 57.
(**b**) O.J. L. 312, 9.10.2004, p. 7.
(**c**) O.J. L. 206, 9.6.2004, p. 37.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which amend the Olive Oil (Marketing Standards) Regulations 2003 ("the 2003 Regulations"), apply to Great Britain and come into force on 1st November 2004, except for regulation 2(b) and (c) which comes into force on 1st November 2005.

The 2003 Regulations provide for the application of Article 35 of Regulation No. 136/66/EEC of the Council on the establishment of a common organisation of the market in oils and fats ("Regulation 136/66") (OJ No. 172, 30.9.66, p. 3025); and Commission Regulation (EC) No. 1019/2002 on marketing standards for olive oil ("Regulation 1019/2002") (OJ No. 155, 14.6.2002, p. 27).

These Regulations update the references in the 2003 Regulations to —

(a) Regulation 136/66, so as to provide for amendments of that Regulation up to and including those effected by Council Regulation (EC) No. 865/2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 ("Regulation 865/2004")(OJ No.206, 9.6.2004, p. 37);

(b) Commission Regulation (EEC) No. 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis ("Regulation 2568/91")(OJ No. 248, 5.9.91, p.1), so as to provide for amendments of that Regulation up to and including those effected by Commission Regulation (EC) No. 1989/2003 amending Regulation (EEC) No. 2568/91 on the characteristics of olive oil and olive-pomace oil and on the relevant methods of analysis ("Regulation 1989/2003")(OJ No. 295, 13.11.2003, p.57); and

(c) Regulation 1019/2002, so as to provide for amendments of that Regulation up to and including those effected by Commission Regulation (EC) No. 1750/2004 amending Regulation (EC) No. 1019/2002 ("Regulation 1750/2004")(OJ No. 312, 9.10.2004, p.7).

The effect of these amendments is as follows:

(a) Regulation 865/2004 both amends (from 1st November 2004), and repeals (from 1st November 2005), Regulation 136/66. The amendments are not relevant to the 2003 Regulations. Following repeal, the new marketing standards provisions in articles 4.1 and 4.2 of Regulation 865/2004 will be substantially unchanged from those in article 35 of Regulation 136/66 which they replace;

(b) Regulation 1989/2003 amends Regulation 2568/91 to adjust the physical, chemical and organoleptic characteristics required in olive and olive-pomace oil, and to change the methods of assessing those characteristics; and

(c) Regulation 1750/2004 postpones the date of application of article 5(c) of Regulation 1019/2002, (which limits the indication of organoleptic properties of virgin olive oil on the labelling), to 1st July 2006.

These Regulations also insert a definition of Regulation 865/2004 into regulation 2 of the 2003 Regulations, and correct an error in regulation 8 of the 2003 Regulations to replace the reference to "the statutory maximum" with the words "level 5 on the standard scale".

A full Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.

STATUTORY INSTRUMENTS

2004 No. 2661

FOOD

The Olive Oil (Marketing Standards) (Amendment) Regulations 2004

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E1392 10/2004 141392T 19585

ISBN 0-11-049937-9

9 780110 499376