EXPLANATORY MEMORANDUM TO

THE OLIVE OIL (MARKETING STANDARDS) (AMENDMENT) REGULATIONS 2004

SI 2004 No. 2661

1. Laying Authority and Purpose:

This explanatory memorandum is laid before Parliament by Command of Her Majesty.

Department responsible:

Department for Environment, Food and Rural Affairs (Defra).

2. Description

These Regulations update the references in the Olive Oil (Marketing Standards) Regulation 2003 (SI 2003/2577 "the 2003 Regulations") to reflect the latest changes to the relevant European Community instruments. They also correct an error in the 2003 Regulations with regard to penalties.

3. Matters of special interest

These Regulations have been laid only 19 days before they are due to come into force due to the need to wait for Commission Regulation (EC) No. 1750/2004 to be published in the Official Journal. This Regulation, published on 9 October, delays the 1 November 2004 coming into force date of article 5(c) of Regulation 1019/2002 until 1 July 2006. Breach of article 5 (c) is made a criminal offence under regulation 6(2) of the 2003 Regulations. It is necessary to delay this provision before it becomes applicable on 1 November, and therefore it has not been possible to observe the 21-day rule.

4. Legislative background

Council Regulation No. 136/66/EEC on the common organisation of the market in fats and oils ("Regulation 136/66") and Commission Regulation (EC) No. 1019/2002 on marketing standards for olive oil regulate the Community market in oils, and establish marketing standards for olive oil. The Olive Oil (Marketing Standards) (Amendment) Regulations 2004 ensure that the references in the 2003 Regulations to the related Community legislation are up to date, in particular to take account of Council Regulation (EC) No. 865/2004 which will amend Regulation 136/66 from 1 November 2004 and replace Regulation 136/66 from 1 November 2005. The Regulations also correct an error in regulation 8 of the 2003 Regulations by replacing the reference to "the statutory maximum" with "level 5 on the standard scale".

5. Extent

These Regulations extend to Great Britain. Northern Ireland will be making separate legislation to implement these changes.

6. European Convention on Human Rights

There are no ECHR implications.

7. Policy background

The 2003 Regulations provide for the enforcement of EU legislation establishing marketing standards for the retail sale of olive oil. The effect of the changes made by these amending Regulations will be to take account of:

Regulation 865/2004, which both amends (from 1 November 2004) and repeals (from 1 November 2005), Regulation 136/66. Following repeal of Regulation 136/66, the 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. The amendments concern for example, production aid, and are not relevant to the 2003 Regulations;

Council Regulation (EC) No. 1989/2003, which amends Council Regulation (EC) No. 2568/91 on the characteristics of olive oil and olive-pomace oil and on the relevant methods of analysis, to adjust the physical, chemical and organoleptic characteristics required in olive and olive-pomace oil, and to change the methods of assessing those characteristics;

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

Industry has been consulted and is aware of these changes.

8. Impact

The EU Regulations are directly applicable. A full regulatory impact assessment has not been prepared as this instrument is for enforcement and minor updating purposes only and has no environmental or cost implications for business.

9. Contact

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