EXPLANATORY MEMORANDUM TO

THE REPORTING OF PRICES OF MILK PRODUCTS (ENGLAND) (AMENDMENT) REGULATIONS 2011

2011 No. 456

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This Statutory Instrument amends The Reporting of Prices of Milk Products (England) Regulations 2008 (SI 2008/1428, "the 2008 Regulations"). The amendments:

- incorporate references to Commission Regulation (EU) No 479/2010 which repealed and replaced Commission Regulation (EC) No 562/2005
- clarify the products for which data may be obtained

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These Regulations amend The Reporting of Prices of Milk Products (England) Regulations 2008 (SI 2008/1428) which themselves revoked and replaced the Reporting of Prices of Milk Products (England) Regulations 2005 (S.I. 2005/1441). The 2005 Regulations were made to assist England in fulfilling its obligations under Commission Regulation (EC) No 562/2005 in relation to the reporting of recent milk and milk product price data. They are available on the legislation.gov.uk website, together with the accompanying Explanatory Memorandum (at http://www.legislation.gov.uk/uksi/2005/1441/contents/made).

4.2 Commission Regulation (EC) No 562/2005 was repealed by Commission Regulation (EU) No 479/2010.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This Statutory Instrument is required to amend the 2008 Regulations such that it refers to the new Commission Regulation (EU) No 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector (the "Commission Regulation").

7.2 Article 2 of the Commission Regulation requires Member States to report the prices of raw milk and certain milk products at specified intervals. The Commission Regulation repealed Commission Regulation (EC) No 562/2005 which made similar provisions.

7.3 The Commission Regulation repealed and replaced Commission Regulation (EC) No 562/2005 because the 2005 Regulation had already been amended and further amendments were required, notably to update references to other EU legislation. The Commission Regulation includes some changes to the production thresholds over which the prices of products must be reported and the timing of reports. However, this has no substantive impact on the UK. The impact of these Regulations on business is therefore zero. For this reason, we have not conducted a formal impact assessment.

7.4 This Statutory Instrument updates the references to articles and annexes such that they refer to the Commission Regulation.

7.5 After careful consideration, ambulatory references have been used in these Regulations. This is to ensure that technical updates made in the Annexes I.A and I.B apply with immediate effect. Regulatory amendments under these annexes may be frequent.

8. Consultation outcome

8.1 As this Statutory Instrument will not result in increased impact on the voluntary or private sectors, consultation was not deemed necessary.

9. Guidance

9.1 None necessary.

10. Impact

10.1 The impact on business, charities or voluntary bodies is zero. All data to be reported under this SI are in any case currently collected and reported.

10.2 The impact on the public sector is zero. All data to be reported under this SI are in any case currently collected and reported.

10.3 An Impact Assessment has not been prepared for this instrument because it does not lead to costs or savings for business, charities, or the public sector.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is the reporting of average prices from processors which usually employ many more than 20 staff.

12. Monitoring & review

12.1 The changes set out in this instrument aim to achieve continued compliance with EU law through adjustment of the references in the 2008 Regulations.

12.2 The board of processors providing the required data shall be reviewed annually to ensure that the prices it reports for milk and milk products are representative of UK prices.

13. Contact

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