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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland, implement Council Directive [2001/114/EC](#) relating to certain partly or wholly dehydrated preserved milk products for human consumption (O.J. No. L 15, 17.1.02, p.19). They also implement First Commission Directive [79/1067/EEC](#) which lays down Community methods of analysis for testing condensed milk and dried milk products (O.J. No. L 327, 24.12.79, p.29) and First Commission Directive [1987/524/EEC](#) which lays down Community methods of sampling for chemical analysis for the monitoring of preserved milk products (O.J. No. L 306, 28.10.87, p.24). They revoke and replace the Condensed Milk and Dried Milk (Scotland) Regulations 1977, as amended.

The Regulations—

- (a) prescribe definitions and reserved descriptions for condensed milk and dried milk products and prescribe methods of analysis for testing of condensed milk and dried milk products (regulation 2 and Schedules 1 and 2);
- (b) provide for the Regulations to apply to milk and dried milk products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment (regulation 3);
- (c) restrict the use of reserved descriptions to the designated condensed and dried milk products to which they relate (regulation 4);
- (d) prescribe labelling requirements for designated condensed and dried milk products (regulation 5);
- (e) prescribe the manner of marking or labelling and apply specified provisions of the Food Labelling Regulations 1996 (regulation 6);
- (f) specify a penalty, enforcement authorities and, in accordance with Articles 2 and 3 of Council Directive [89/397/EEC](#) on the official control of foodstuffs (O.J. No. L 186, 30.6.89, p.23) and the European Economic Area Agreement, a defence in relation to exports (regulations 7 and 8);
- (g) make transitional provisions (regulation 9);
- (h) apply various provisions of the Food Safety Act 1990 and prescribe methods of sampling for chemical analysis for the monitoring of designated condensed milk and dried with products (regulation 10); and
- (i) revoke the previous Regulations and make consequential amendments (regulation 11).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that these Regulations would have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.

**Changes to legislation:**

There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (Scotland) Regulations 2003.