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## EXPLANATORY NOTE

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

These Regulations provide for the continued implementation in Scotland of Commission Directive [96/5/EC](#) on processed CEREAL-BASED foods and baby foods for infants and young children, as amended by Commission Directives [1998/36/EC](#) and [1999/39/EC](#) and now as further amended by Commission Directive [2003/13/EC](#). These Regulations revoke and replace the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations 1997, as amended.

These Regulations come into effect on 6th March 2005. They—

- (a) prohibit the sale of processed cereal-based foods and baby foods for infants and young children unless they comply with the manufacturing and compositional requirements in regulations 5 to 7 and the labelling requirements in regulation 8 (regulation 4);
- (b) exempt from their application any baby food which is a milk intended for young children (regulation 3);
- (c) specify the enforcement authorities (regulation 9);
- (d) create an offence and prescribe a penalty (regulation 10);
- (e) provide a defence in relation to exports in accordance with Articles 2 and 3 of Council Directive [89/397/EEC](#) (O.J. No. L 186, 30.6.89, p.23) on the official control of foodstuffs (regulation 11);
- (f) apply certain provisions of the Food Safety Act 1990 (regulation 12); and
- (g) make a consequential amendment (regulation 13) and contain a revocation provision (regulation 14).

In implementation of Directive [2003/13/EC](#) these Regulations prohibit the sale of processed CEREAL-BASED foods and baby foods for infants and young children if those foods contain pesticide residues above certain levels. Different levels are set depending on the pesticide in question (regulation 7 and Schedules 6 and 7). In implementation of the final sentence of Article 6(2) of Directive [96/5/EC](#) as substituted by Commission Directive [1999/39/EC](#) provision is made as to the analytical methods for determining levels of pesticide residues (regulation 7(5)).

These Regulations also make some minor drafting and technical changes, particularly to the provision applying certain provisions of the 1990 Act. The offence provision now relates only to a contravention of the restrictions on sale in regulation 4 (regulation 10).

A Regulatory Impact Assessment which includes a compliance cost assessment of the effect which these Regulations are likely to 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 Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004.