

2011 No. 81

AGRICULTURE

**The Reporting of Prices of Milk Products (Scotland)
Amendment Regulations 2011**

Made - - - - *9th February 2011*
Laid before the Scottish Parliament *11th February 2011*
Coming into force - - *1st April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in that section, and it appears to the Scottish Ministers that it is expedient for references in these Regulations, and in the Regulations which these Regulations amend, to 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(b) or to any provision of that instrument to be construed as a reference to that instrument or provision as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Reporting of Prices of Milk Products (Scotland) Amendment Regulations 2011 and come into force on 1st April 2011.

Amendment to the Reporting of Prices of Milk Products (Scotland) Regulations 2005

2.—(1) The Reporting of Prices of Milk Products (Scotland) Regulations 2005(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—

(a) for the definition “Commission Regulation” substitute—

““Commission Regulation” means Commission Regulation (EU) No 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and was amended by Schedule, Part 1 of the 2008 Act.

(b) O.J. L 135, 2.6.10, p.26. This Regulation has been amended by Commission Regulation (EU) No 1041/2010 (O.J. L 299, 17.11.10, p.4).

(c) S.S.I. 2005/484.

- regards Member States' notifications to the Commission in the milk and milk products sector^(a), as amended from time to time;"; and
- (b) for the definition "milk products" substitute—
 - ““milk products” means the products—
 - (a) listed in Annexes I.A and I.B; and
 - (b) referred to in Article 2(3)(a),of the Commission Regulation.”.
- (3) In regulation 3 (provision of information on prices of milk products)—
- (a) in paragraph (1)—
 - (i) after “provide”, insert “to the Scottish Ministers”;
 - (ii) omit “to such persons”; and
 - (iii) for “Article 6” substitute “Articles 2 and 3”; and
 - (b) in paragraph (2) for “requested on a weekly basis” substitute “at a frequency determined by the Commission Regulation”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
9th February 2011

(a) O.J. L 135, 2.6.10, p.26. This Regulation has been amended by Commission Regulation (EU) No 1041/2010 (O.J. L 299, 17.11.10, p.4).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Reporting of Prices of Milk Products (Scotland) Regulations 2005 (“the principal Regulations”). They make provision for the enforcement of Article 2 and Article 3 of Commission Regulation (EU) No 479/2010 laying down detailed 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.

Council Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products (O.J. L 160, 26.6.99, p.48) was repealed by Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (O.J. L 299, 16.11.07, p.1)(a).

The principal Regulations implemented Article 6 of Commission Regulation (EC) No 562/2005 (O.J. L 95, 14.4.05, p.11) laying down rules for the implementation of Council Regulation (EC) No 1255/1999 as regards communications between Member States and the Commission in the milk and milk products sector. Commission Regulation (EC) No 562/2005 was repealed and replaced with amendments by said Commission Regulation (EU) No 479/2010. Those amendments concerned the milk products on which price reporting must take place, and the frequency at which those reports must be made.

Regulation 2(2) updates the references in the principal Regulations in light of changes to the EU law and includes the definition of raw milk in “milk products”. Regulation 2(3) also makes minor amendments to regulation 3 of the principal Regulations to ensure the information is given to Scottish Ministers and at a frequency determined by the Commission Regulation.

These Regulations replace the references in the principal Regulations to the repealed provisions of Commission Regulation (EC) No 562/2005 with the corresponding references to the provisions of Commission Regulation (EU) No 479/2010. These Regulations provide these are references to Commission Regulation (EU) No 479/2010 as amended from time to time. Any amendments to Commission Regulation (EU) No 479/2010 will be published on the Europa website, (http://europa.eu/documentation/legislation/index_en.htm). Additionally the Scottish Government will publish relevant information on the Scottish Government website (www.scotland.gov.uk) and updates will be sent to interested parties where considered appropriate.

A Business and Regulatory Impact Assessment has not been produced for this instrument as there will be no cost to business.

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(a) This Regulation was last amended by Regulation (EU) No 1234/2010 (O.J. L 346, 30.12.10, p.11).

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