

EXPLANATORY MEMORANDUM TO
THE PIG CARCASE (GRADING) (AMENDMENT) (ENGLAND) REGULATIONS 2006
2006 No. 2192

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.

2. **Description**

2.1 The Pig Carcase (Grading) Regulations 1994 (S.I. 1994/2155) implement EC Regulations which provide for a uniform system for weighing and marking of pig carcasses within the Community to support free trade in such products.

2.2 This instrument amends those Regulations, in relation to England, in order to implement an amendment to Commission Decision (EC) No. 2004/370, which provides for some UK-specific rules, by Commission Decision (EC) No. 2006/374. It also makes some other minor amendments.

3. **Matters of Special Interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative background**

4.1 Council Regulation (EEC) No 3220/84 lays down rules for weighing and marking of pig carcasses. Article 2(2) of that Regulation lays down the broad rules for calculating the weight of a cold carcase from the weight of a hot carcase.

4.2 Commission Regulation (EEC) No 2967/85, at Articles 2 (1) and (2), lays down detailed rules regarding the grading of pig carcasses, and provides a method for calculating the weight of the cold carcase from the warm weight. A 2% reduction in weight of the hot pig carcase, if weighed within 45 minutes of slaughter (to allow for drip loss and evaporation over a 24hr period), is required in calculating the cold weight.

4.3 The United Kingdom was authorised, by way of a derogation from the provisions in the above EC Regulations by Commission Decision 2004/370/EC, to calculate the weight of the cold carcase by reference to pre-determined scales of absolute weight reduction. The amendment to that Decision by Commission Decision (EC) No. 2006/374 removes this derogation, and means that UK undertakings will have to apply the EU-wide method in explained above for calculating the cold weight of the carcase from the hot weight. This necessitates an amendment to the Pig Carcase (Grading) Regulations 1994 (S.I. 1994/2155).

4.4 These Regulations are made under section 2(2) of the European Communities Act 1972.

5. **Extent**

The Order applies to England only. Wales, Scotland and Northern Ireland will make their own legislation.

6. **European Convention on Human Rights**

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

7. **Policy background**

7.1 At the time Council Regulation (EEC) No 3220/84 was made, most UK abattoirs were still using imperial scales, and it was seen as cumbersome to apply the 2% rule required by EC legislation. Hence, the UK sought the power to derogate from the general rules.

7.2 Due to technical adaptations, this derogation is no longer necessary and the United Kingdom requested the Commission to withdraw it and apply the method as referred to in Article 2 (1) and 2 of Regulation (EEC) No 2967/85. The Commission have supported this in a bid to simplify legislation.

7.3 Consultation with interested parties was carried out before representation being made at Brussels, and it has been agreed to give the industry a 3 month lead in time.

7.4 These Regulations also ensure that an alternative way of marking carcasses allowed for in the EC Regulations applies in the England as this is in line with the better regulation principles.

7.5 These Regulations also update SI 1994/2155 to take into account amending Commission legislation and to make provision for service of documents by electronic means, and to allow reliance on an alternative way of marking a carcass.

8. **Impact**

8.1 Industry requested this proposal, which will not result in new burdens. Therefore, a Regulatory Impact Assessment was not necessary. No impact on the private or voluntary sector is expected.

9. **Contact**

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