

EXPLANATORY MEMORANDUM TO
THE DAIRY PRODUCE QUOTAS (AMENDMENT) REGULATIONS 2008

2008 No. 439

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 This Statutory Instrument amends the Dairy Produce Quotas Regulations 2005 S.I. 2005/465, in the light of the repeal of Council Regulation (EC) No 1788/2001 establishing a levy in the milk and milk products sector. .

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

3.1 None.

4. Legislative Background

4.1 The Statutory Instrument amends the Dairy Produce Quotas Regulations 2005, S.I. 2005/465 by substituting a new definition of “the Council Regulation” to take account of the repeal of Council Regulation (EC) No 1788/2003 by Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and specific provisions for certain agricultural products (known as the Single Common Market Organisation (CMO) Regulation).

5. Territorial Extent and Application

5.1 This instrument applies to England, with the same legislation having to be made in Scotland, Wales, and Northern Ireland.

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7.1 Council Regulation (EC) No 1788/2003 was repealed by Council Regulation (EC) No 1234/2007 (the Single CMO Regulation), (EM 16715/07). The Single CMO Regulation consolidated a number of Regulations but made no policy changes to the regimes covered.

7.2 A formal consultation was conducted in early 2007 on the changes to the Community legislation. No concerns relating to the repeal of Council Regulation (EC) No 1788/2001 were raised during the consultation. As the changes have now been reflected in the EU legislation it is necessary to make this Statutory Instrument solely to update the references to the amending EU legislation. In these circumstances a further

consultation would serve no useful purpose. However, stakeholders will be informed of the matter.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

9. Contact

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Who can answer enquiries regarding this instrument.