
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate and replace the Spreadable Fats (Marketing Standards) Regulations 1995, as amended, as regards Scotland.

These Regulations continue to make provision for the enforcement and execution of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and Commission Regulation (EC) No. 577/97 laying down certain detailed rules for the application of the Council Regulation and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products, as amended. The subject matter of the Community provisions is briefly indicated in column 3 of Schedule 1. The Commission Regulation was last amended by Commission Regulation (EC) No. 568/1999 which allows use of the designation “brandy butter”, “sherry butter” or “rum butter” for a sweetened, alcoholic product with a minimum milk-fat content of 20%.

In pursuance of Article 6 of EEC Regulation 2991/94, these Regulations re-enact requirements as to the vitamin content of margarine (regulation 4), subject to an exemption (regulation 3(2)).

These Regulations—

- (a) specify the authorities which are to enforce and execute these Regulations and the Community provisions referred to in Schedule 1 (regulation 5);
- (b) create offences and prescribe a penalty (regulation 6) and contain a limited exemption in respect of any spreadable fat to which the EEA Agreement applies and which is brought into Scotland from an EEA State other than a member State either directly or via another part of the United Kingdom (regulation 3(1));
- (c) provide a defence in relation to exports, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 7);
- (d) incorporate specified provisions of the Food Safety Act 1990 (regulation 8); and
- (e) revoke the Regulations specified in Schedule 2 as regards Scotland (regulation 9).

Use of the designation “butter” is also restricted by Article 3 of Council Regulation (EEC) No. 1898/87 (OJ No. L182, 3.7.87, p.36), which is enforced in Scotland by the Milk and Milk Products (Protection of Designations) (Scotland) Regulations 1990 (S.I.1990/816, as amended by S.I. 1990/2625).

No regulatory impact assessment has been prepared in relation to these Regulations.