



Notification Number: 2004/387/UK

The Food Hygiene (Scotland) Regulations 2005

Date received : 28/09/2004

End of Standstill : 29/12/2004

Message

Message 001

Communication from the Commission - SG(2004) D/51918

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan : 2004/0387/UK.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200401918.EN)

1. Structured Information Line

MSG 001 IND 2004 0387 UK EN 29-12-2004 28-09-2004 UK NOTIF 29-12-2004

2. Member State

United Kingdom

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

3. Originating Department

The Food Standards Agency

4. Notification Number

2004/0387/UK – C50A

5. Title

The Food Hygiene (Scotland) Regulations 2005



6. Products Concerned

The products and/or services covered by the draft regulation that require notification are as follows:

- a) the bulk transport in sea-going vessels of liquid oils or fats and of raw sugar;
- b) temperature control requirements for the keeping of foodstuffs;
- c) the direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm; and
- d) restrictions on the sale of raw milk and raw cream intended for direct human consumption.

7. Notification Under Another Act

-

8. Main Content

The draft Scottish Statutory Instrument (SSI) contains the necessary legal requirements to apply the new EU consolidated food hygiene legislation in Scotland. The EU legislation contains a number of areas that either require or allow Member States to adopt certain provisions as appropriate in their national law. Regulations 17(4) and 29-32 (and correspondingly Schedules 3-6) of the SSI cover derogations for the areas described in paragraph 6 above where national measures are being made in Scotland.

Key words: liquid oils; temperature control; poultry; lagomorphs; raw milk.

The UK will fulfil its obligation under Article 12 of Directive 98/34/EC when these regulations are officially published.

9. Brief Statement of Grounds

To provide for domestic provisions in Scotland for the areas specified under question 6. Necessity and grounds are set out below. The attached RIA and SSI provide further details:

- a) Required to ensure transport of these commodities with the effect of reducing the risk of foodborne illness. Provisions presently controlled by a Decision made under Directive 93/43/EC. Article 17(4) of Regulation 852/2004 allows for continuation of this Decision in national law and we are maintaining these rules.
- b) Required to control the growth of pathogenic microbes in stored foodstuffs and therefore reduce the risk of food borne illness. Provisions maintained in national law under Article 17(4) of Regulation 852/2004 as described above.
- c) Article 1 (4) of Regulation 853/2004 requires Member States to make rules to control these provisions to ensure achievement of the objectives of the EC Regulation. Domestic rules are therefore being made for these activities.
- d) Article 10 (8) of 853/2004 allows for Member States to establish national rules in this area. We are taking advantage of this opportunity to maintain existing health measures to achieve the objectives of EC Regulation.

10. Reference Documents - Basic Texts

e. No basic texts

11. Invocation of the Emergency Procedure

No



12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Impact Assessment is attached

16. TBT and SPS aspects

TBT Aspect

No

The draft is not a technical regulation nor a conformity assessment procedure in the sense of Annex 1 of the TBT Agreement.

SPS Aspect

No

The draft does not have a significant effect on international trade.

David O'Sullivan
General Secretary
European Commission

Contact point Directive 98/34
Fax: (32-2) 296 76 60
email: Dir83-189-central@cec.eu.int

sent to :

BELNotif Qualité et Sécurité
Mme Descamps

Bundesministerium für Wirtschaft Referat XA2
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau MARKL Iris



Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau Brigitte WIKGOLM

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism
M. Antonis Ioannou

Czech Office for Standards, Metrology and testing
Mrs. Fofonkova Helena

Department of Trade and Industry STRD2
Mr Philip Plumb

Délégation Interministérielle aux Normes
Mme Piau

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
Mr E. Melagrakis

EU internal market coordination (Ministry of Economics)
Ms Kristine Rieksting

Erhvervs- og Boligstyrelsen
Lene Hald Nielsen

European Free Trade Association
.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Institut Belge de Normalisation
Mme F. Hombert

Instituto Português da Qualidade
Sra Cândida Pires

Kauppa-ja teollisuusministeri
M. Henri Backman

Kommerskollegium
Mme Kerstin Carlsson

Lithuanian Standards Board
Daiva Lesickiene

Malta standards Authority
Dr Lorna Cachia

Min. de Asuntos Exteriores



Esther Perez Pelaez

Min. of Economic Affairs & Communication
Mr. Alver Margus

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financien Belastingdienst - Douane / CDIU
De Heer IJ.G. van der Heide

Ministero delle attivit produttive F1 - Ispettorato tecnico industria
Signor Vincenzo Correggia

Ministry of Economy, Labour and Social Dept for Europe & multilateral relations
Mrs Barbara Nieciak

NSAI
Mr Tony Losty

Office of standards, metrology & Testing Director of the department of European I
Mrs Kvetoslava STEINLOVA

Représentation Permanente du Luxembourg
.

Slovenian Institute for Standardization SIST
Mrs Vesna Stazisar

Undersecretariat of Foreign Trade General Directorate of Standardisation
Saadettin DOGAN