

Summary of Responses: Consultation on the Transposition and Enforcement of the EU's Amendments to the Breakfast Directives

The Consultation on the Transposition and Enforcement of the EU's Amendments to the Breakfast Directives was launched on 19 March 2025 and closed on 14 May 2025.

Introduction

The Food Standards Agency in Northern Ireland (FSA) sought stakeholder views, comments, and feedback in relation to the transposition (the legal process of transferring the requirements of EU Directives into domestic legislation) and enforcement of EU amendments to the following EU Directives:

- 2001/110/EC relating to honey,
- 2001/112/EC relating to fruit juices and certain similar products,
- 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée, and
- 2001/114/EC relating to certain partly or wholly dehydrated preserved milk.

Summary of stakeholder responses

The consultation was published on the FSA website and communicated to key stakeholders. Responses were received via an online survey and by email.

Stakeholder views were sought on:

- any potential impacts that may arise from the transposition;
- the extension of current enforcement provisions to include updated requirements; and
- the potential for the FSA in Northern Ireland to explore the introduction of future discretionary measures.

Stakeholders were asked for feedback on the approach to transposition and enforcement, outlined in two options:

Option 1 - Do not update the existing Statutory Rules to transpose the Breakfast Directives amendments. This would constitute a failure to comply with our obligation to transpose the EU Directive. It would prevent implementation of new rules aimed at protecting the consumer via increased transparency and helping consumers make informed and healthier decisions. It would prevent industry from benefitting from the additional flexibilities and opportunities for innovation introduced by the new Directive. At this time, option 1 is not considered a viable option due to our obligations to transpose and enforce the new rules.

Option 2 (preferred option) - Update the existing Statutory Rules to transpose the amendments introduced by the new Directive and extend the existing improvement notice provisions for non-compliance to the new requirements, providing an effective and proportionate means to enforcement for non-compliant products by way of amendments to 4 existing Northern Ireland Statutory Rules. This would comply with our obligations and industry could benefit from the additional flexibilities and opportunities for innovation. Consumers would benefit from new rules aimed at protecting the consumer via increased transparency and helping consumers make informed and healthier decisions.

The FSA in Northern Ireland is grateful to those stakeholders who responded.

The 'Summary of substantive comments' below, sets out the stakeholder comments received and the FSA's considered responses to those comments.

A summary of changes to the original proposal(s) resulting from stakeholder comments is also outlined.

A list of stakeholders who responded has also been included.

Summary of substantive comments

Question 1: Please share your views, if any, on the proposed approach outlined in Option 2:

Respondent: Beekeeper

Comment

An amateur beekeeper, who does not import or blend honey.

Response

Comments have been noted.

Respondent: Food Business

Comment

This food business expressed opposition to the approach outlined in Option 2 due to concerns about administrative and fiscal burdens along with intellectual property exposure they consider to arise from the [Honey] Directive which they do not believe meets the objective for which it was drafted.

Response

Comments relate to the policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive. However, the comments have been noted.

The reference to administrative and fiscal burdens are also noted and the Statutory Rule will be accompanied by a regulatory impact assessment.

Respondent: Trade Association

Comment

The trade association expressed opposition to the approach outlined in Option 2 due to administrative and fiscal burdens as well as intellectual property exposure they consider to arise from the [Honey] Directive for their members.

Response

The comments relate to the policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive. However, the comments have been noted. The reference to administrative and fiscal burdens are noted and the Statutory Rule will be accompanied by a regulatory impact assessment.

Respondent: Food Business

Comment

This food business states that Option 2 represents a full transposition of the Breakfast Directive, which they strongly oppose. Adding that this legislation unfairly discriminates against non-EU honey in favour of EU-origin honey.

Response

The comments relate to the policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive. However, the comments have been noted.

Northern Ireland is required to transpose mandatory aspects of Directive 2024/1438 including rules on honey origin labelling.

The policy for blended honey requires all countries of origin used within the product to be specified on the label.

Respondent: Food Business

Comment

This food business opposed Option 2 as legislators have not decided to implement a technological traceability system based on state-of-the-art methods of analysis. They believe the platform of experts do not have equal and fair representation of all stakeholders from the honey supply chain.

Response

Comments have been noted.

Option 2 would comply with our obligations to transpose the Directive. The formation of a honey platform of experts and the ability for the EU to introduce future delegated acts on a traceability system is outlined in the Directive itself and not in scope of this consultation.

Respondent: Trade Association

Comment

This trade association advised that their members are generally supportive of the changes included in the new Directive and of the updating of The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 to transpose the amendments. Additional views were provided on the importance of new regulations being applied in all devolved nations, to prevent unfair competition across the UK allowing one nation to market innovative products that would not be permitted to be marketed in another nation.

Response

Comments have been noted.

This consultation related to the transposition of the changes in Northern Ireland by December 2025. The Breakfast Directives policy sits within the scope of the Food Compositional Standards and Labelling Provisional Common Framework. Four-nation consideration will continue to take place under the framework structures.

Question 2: Please detail any potential impacts you feel that Option 2 may bring, that have not been identified within this consultation:

Respondent: Beekeeper

Comment

This beekeeper commented that this will not impact them in any way as they do not blend honey with any other ingredients.

Response

Comments have been noted.

Respondent: Food Business

Comment

This food business expressed concern that the honey requirements imply overburdensome procedures including internal traceability, segregation of different raw materials, ad-hoc product labels and unjustified increased operational costs. The food business also raised that whilst an estimated cost per business had been calculated in the consultation, it had not taken account of the initial or on-going business costs.

Additional concerns raised were around honey packers required to disclose their recipes, with prejudice to confidential and proprietary knowledge, frequent labels reprints and the environmental impact of packaging waste.

Response

The comments relate to the policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive.

The intention of the honey changes is to ensure that consumers are properly informed regarding the origin of the honey they consume.

The legislation provides for transitional measures permitting products which are placed on the market or labelled before 14 June 2026, may continue to be marketed until the stock is exhausted.

Comments on the impacts of the policy changes have been noted; however, they relate to potential operational costs associated with the policy changes within the Directive.

The estimated costs per business in the consultation relate specifically to stakeholder familiarisation costs with the domestic transposition legislation. Initial and on-going costs have been noted, and the Statutory Rule will be accompanied by a regulatory impact assessment.

Respondent: Trade Association

Comment

This trade association expressed concern that the honey requirements imply over burdensome procedures including internal traceability, segregation of different raw materials, ad-hoc product labels and unjustified increased operational costs. The food business also raised that whilst an estimated cost per business had been calculated in the consultation, it had not taken account of the initial or on-going business costs.

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Response

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The estimated costs per business in the consultation relate specifically to stakeholder familiarisation costs with the domestic transposition legislation. Initial and on-going costs have been noted, and the Statutory Rule will be accompanied by a regulatory impact assessment.

Respondent: Food Business

Comment

This stakeholder clarified that the estimated cost to producers of implementing the new Directive are highly underestimated. Highlighting costs including the storage of separate honey batches based on origin, internal traceability procedures for each honey jar and the impact on labelling costs and wastage.

Response

The estimated costs per business in the consultation relate specifically to stakeholder familiarisation costs with the domestic transposition legislation. Initial and on-going costs have been noted; however, they relate to potential operational costs associated with the policy changes within the Directive. The Statutory Rule will be accompanied by a regulatory impact assessment.

The legislation provides for transitional measures permitting products which are placed on the market or labelled before 14 June 2026, may continue to be marketed until the stock is exhausted.

Traceability procedures under general food law are an established practice and should already be implemented by food businesses.

Respondent: Food Business

Comment

Blank.

Response

N/A

Respondent: Trade Association

Comment

Members of this association are in general support of the fruit juice amendments and expressed that if similar regulations are not introduced in England, Scotland, and Wales then there could be unfair competition across the UK. Further feedback highlighted that whilst the Directive permits the use of membrane filtration and yeast fermentation as processes to obtain reduced sugar fruit juice, enzyme technology has not been included and that being prescriptive on permitted processes may limit innovation. Feedback proposes a modification to the definition of reduced-sugar fruit juice in respect to the requirement to maintain essential physical, chemical, organoleptic, and nutritional characteristics of an average type of juice. This stakeholder further suggests a modification to the claim 'fruit juices contain only naturally occurring sugars' and supports the 'coconut water' designation and the newly permitted use of plant proteins from sunflower seeds.

Response

Northern Ireland is required to transpose mandatory aspects of the Directive including methods of sugar reduction and associated labelling requirements.

Some comments relate to the policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive.

Question 3: Do you foresee any enforcement issues with the proposal outlined in Option 2 or suggestions for alternative ways to enforce the new requirements? Do you believe extending the existing use of Improvement Notices is an effective and proportionate approach to enforce the new rules?

Respondent: Beekeeper

Comment

The beekeeper suggested that enforcement should only apply to fraudulent/counterfeit honey such as those selling sugar-based syrup labelled as honey.

Response

Comments have been noted.

There is currently no small-business exemption for honey origin labelling. Appropriate enforcement powers already exist to tackle food fraud.

Respondent: Food Business**Comment**

This food business expressed concerns around labelling the composition of blended honeys, including honey origin, which they consider to be proprietary information and strictly confidential and believe this conflicts with the proposed Regulations. They indicated foods business operators' rights in this regard should be maintained and prevail over the proposed Regulations.

Response

The comments relate to policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive.

Northern Ireland is required to transpose mandatory aspects of Directive 2024/1438 including rules on honey origin labelling.

Respondent: Trade Association**Comment**

This trade association expressed concerns around labelling the composition of blended honeys, including honey origin, which they consider to be proprietary information and strictly confidential and believe this conflicts with the proposed Regulations. They indicated foods business operators' rights in this regard should be maintained and prevail over the proposed Regulations.

Response

The comments relate to policy goals introduced by the EU Directive itself. The consultation was on the approach to domestic transposition and enforcement of the EU Directive.

Northern Ireland is required to transpose mandatory aspects of Directive 2024/1438 including rules on honey origin labelling.

Respondent: Food Business**Comment**

This food business does not believe there is reasonable justification for enforcing the EU Breakfast Directive as the current official controls under the existing Honey Directive appear proportionate and fit for purpose.

Response

The FSA in Northern Ireland acknowledges the current enforcement provisions are fit for purpose for the current requirements and therefore propose extending the existing enforcement provisions to the new requirements which is also in keeping with enforcement provisions in other food law in NI.

This policy proposal to extend improvement notices is considered an effective and proportionate enforcement tool for addressing non-compliance. Improvement notices are considered a desirable and important consequential deterrent to achieve compliance while minimising the burden on businesses, enforcement authorities and the judicial system and provides a level playing field for all relevant food businesses in Northern Ireland.

Respondent: Food Business

Comment

Blank.

Response

N/A

Respondent: Trade Association

Comment

The association supports extending the existing use of Improvement Notices as an effective and proportionate approach to enforce the new rules.

Response

Comments have been noted.

Question 4: Do you have any further comments on the approach to the transposition or the enforcement approach to EU Directive 2024/1438?

Respondent: Beekeeper

Comment

None.

Response

N/A

Respondent: Food Business

Comment

This response noted that future delegated acts for honey remain unpredictable. Delegated acts may have the potential to be inconsistent with the Codex Alimentarius Standard on natural honey (CXS 12-1981), they may lead to misalignment of UK standards and the stakeholder believes is highly likely to be based upon unfounded methods or inaccurate interpretations as highlighted in the recently published review of methods.

Response

Whilst the future delegated acts for honey are out of scope of this consultation, the Directive provides a commitment to establish a platform to include a range of experts and representatives to support the adoption of future delegated acts.

Respondent: Trade Association

Comment

This response raised that future delegated acts for honey remain unpredictable. Delegated acts may have the potential to be inconsistent with the Codex Alimentarius Standard on natural honey (CXS 12-1981), they may lead to misalignment of UK standards and the stakeholder believes is highly likely to be based upon unfounded methods or inaccurate interpretations as highlighted in the recently published review of methods.

Response

Whilst the future delegated acts for honey are out of scope of this consultation, the Directive provides a commitment to establish a platform to include a range of experts and representatives to support the adoption of future delegated acts.

Respondent: Food Business

Comment

This food business believes that the final text of the Breakfast Directive has not been notified to the World Health Organisation. In their view, compliance with the TBT and SPS Agreements must be clarified by the European Commission before any transposition in Northern Ireland. Additionally, they believe the honey platform of experts is not democratic with the expertise heavily weighted by beekeepers.

Response

The FSA in Northern Ireland has made the assumption that this stakeholder was making reference to the World Trade Organisation rather than the World Health Organisation. If this is correct, in April 2023, the EU notified the World Trade Organisation of the amending Directive proposals. Additional notification of the transposition into domestic legislation is not required.

Northern Ireland is obligated to transpose mandatory aspects of Directive 2024/1438. The formation of a honey platform of experts is outlined in the Directive itself and not in scope of this consultation.

Respondent: Food Business

Comment

Blank

Response

N/A

Respondent: Trade Association

Comment

Feedback highlighted the importance of new legislation being applicable to all devolved nations. They expressed that consideration should be given to the amendments from the EU's initial proposals, that are not included in the final text. The addition of herbs, spices and fibres for all juices is supported, but consider that defining maximum percentages of fibre is not necessary, due the Nutrition and Health Claims Regulations setting this standard. The claim "no added sugar" for nectars with sweeteners are welcomed by this respondent.

Response

The Breakfast Directives policy sits within the scope of the Food Compositional Standards and Labelling Provisional Common Framework. Four-nation consideration will continue to take place under the framework structures.

Qualifying Northern Ireland goods continue to benefit from unfettered access within the UK internal market. Prepacked retail foods that meet UK public health standards can be moved to Northern Ireland through the Northern Ireland Retail Movement Scheme.

Question 5: Do you hold any views on whether the FSA should explore the future introduction of the discretionary national measures? We welcome initial insight into any challenges or benefits the optional measures may offer.

Respondent: Beekeeper

Comment

None.

Response

N/A

Respondent: Food Business

Comment

This food business expressed that few, if any, large-scale honey packers routinely pack honeys with more than 4 countries of origin.

Response

Comments have been noted.

Respondent: Trade Association

Comment

The trade association advised that none of their members routinely pack honeys with more than 4 countries of origin.

Response

Comments have been noted.

Respondent: Food Business

Comment

This food business stated they use non-EU honey in production and that transposing the Breakfast Directive in Northern Ireland would negatively affect operations and final product pricing.

Response

Northern Ireland is required to transpose mandatory aspects of Directive 2024/1438 including rules on honey origin labelling.

Respondent: Food Business

Comment

Blank.

Response

N/A

Respondent: Trade Association

Comment

No comment, as discretionary measures do not apply to fruit juices amendments.

Response

N/A

Question 6: Please select the box that represents your interest in this consultation. I am a consumer or I am an organisation/food business

Respondent: Beekeeper

Comment

Blank

Respondent: Food Business**Comment**

I am an organisation/food business.

Respondent: Trade Association**Comment**

I am an organisation/food business.

Respondent: Food Business**Comment**

I am an organisation/food business.

Respondent: Food Business**Comment**

I am an organisation/food business.

Respondent: Trade Association**Comment**

I am an organisation/food business.

List of respondents

1. Beekeeper with an interest in Honey amendments
2. Food Business with an interest in Honey amendments
3. Trade Association with an interest in Honey amendments
4. Food Business with an interest in Honey amendments
5. Food Business with an interest in Honey amendments
6. Trade Association with an interest in Fruit Juice amendments

Responses provided outside the consultation questionnaire

The trade association with an interest in the Fruit Juice provided a supporting paper to accompany their consultation response, highlighting their position on amendments to the Fruit Juice Directive. Our response to comments highlighted within this paper are provided above.

All other comments falling outside the scope of consultation have been noted.

Next Steps

The FSA in Northern Ireland will ensure that stakeholders are alerted to this publication.

The FSA in Northern Ireland will also continue to work with stakeholders and delivery partners ensuring there are appropriate and proportionate enforcement mechanisms for the new requirements. Consideration will be given to the feedback obtained from this consultation.