

Summary of stakeholder responses to consultation on proposed changes to Welsh law in relation to EU Directives on animal feed, food contact materials and extraction solvents

The consultation sought views on the proposals to correct deficiencies in national (Wales only) legislation relating to animal feed, food contact materials and extraction solvents, separately, to ensure the legislation operates effectively following the UK's exit from the European Union (EU).

Introduction

This consultation was issued on 04 August 2022 and closed on 01 September 2022.

The purpose of the consultation was to seek stakeholders' views, comments, and feedback on the proposals to correct deficiencies in national (Wales only) legislation relating to animal feed, food contact materials and extraction solvents, separately, to ensure the legislation operates effectively following the UK's exit from the European Union (EU).

The consultation was published on the Food Standards Agency (FSA) website, social media channels and emails sent to Local Authority Food Law Enforcement Officers and Key Stakeholder organisations.

The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the issues considered.

The key proposals on which the consultation sought views were:

Animal Feed:

- To facilitate amendments to the lists of undesirable substances that are currently prescribed by reference to the lists in Directive 2002/32/EC, and to make it easier to adapt them to scientific and technical developments, we proposed incorporating these lists into the Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016. In addition, we also proposed retaining the controls set out in the Directive, and adjusting cross references from this legislation to the Directive. As part of this we will consider converting powers conferred by the Directive into domestic powers.
- To facilitate the future modification of the category list that is currently prescribed by reference to the list in Directive 82/475/EEC, we proposed incorporating that list into the Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 and adjusting cross-references from this legislation to the Directive.

Food Contact Materials:

- To incorporate the lists currently prescribed by reference in Annex II of Commission Directive 2007/42/EC, as it stood on leaving the EU into a new Schedule in the Materials and Articles in Contact with Food (Wales) Regulations 2012.
- To remove cross-references to Commission Directive 2007/42/EC, including to its Annexes, within the Materials and Articles in Contact with Food (Wales) Regulations 2012.

Extraction Solvents:

- To set out the list of permitted extraction solvents in its entirety in the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013, removing the cross-references to Annex I to the Directive.
- To remove other cross-references in the 2013 Regulations to the Directive which are no longer appropriate or which contain inoperabilities as a result of EU exit, for example the reference to Article 3(c) of the Directive.

The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table.

A list of stakeholders who responded can be found at the end of the document.

Summary of substantive comments

Animal Feed

Do you agree that incorporating the Annex of Commission Directive 82/475/EEC into Welsh legislation would provide ease of reference for enforcement authorities, industry and the public? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	Yes.	Comment noted.

Do you agree that incorporating Annex I and II of Council Directive 2002/32/EC into Welsh legislation would provide ease of reference for enforcement authorities, industry and the public? If not, please explain why legislation would provide ease of reference for enforcement authorities, industry and the public? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	Yes.	Comment noted.

Are you aware of any impacts of the proposed measures that have not been identified in this consultation?

Respondent	Comment	Response
Trading Standards Wales	Not at this time.	Comment noted.

Do you agree with the familiarisation cost that has been identified? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	No, the figure that has been used to calculate the familiarisation cost for Local Authorities has been taken from the annual report on Local Authority food law enforcement. This report would only provide the FTE for food standards officers. The consultation is proposing changes to animal feed legislation and should therefore include those Trading Standards Officers involved in animal feed official controls, this may also include Animal Health Officers. There are likely to be more LA officers that will need to familiarise themselves with the changes than those suggested as the FTE figures provided would not equate to whole individuals as animal feed would only form a part of a Trading Standards Officers role, they would also be involved with metrology, food, consumer safety and fair trading work.	Thank you for your detailed response. This information has been used to update and recalculate the familiarisation costs estimated for this work.

Are there any other changes that would help to provide greater clarity on regulating the presence of undesirable substances in animal feed? If yes, please explain what these are, and what benefits they might provide.

Respondent	Comment	Response
Trading Standards Wales	We do not have any comment on this at this stage.	Comment noted.

Are there any other changes that would help to provide greater clarity on regulating the use of category labelling on pet food? If yes, please explain what these are, and what benefits they might provide.

Respondent	Comment	Response
Trading Standards Wales	We do not have any comment on this at this stage.	Comment noted.

Food Contact Materials

Do you agree that incorporating Annex II of Commission Directive 2007/42/EC into Welsh legislation would provide ease of reference for enforcement authorities, industry and the public? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	Yes.	Comment noted.

Are you aware of any impacts of the proposed measures that have not been identified in this consultation?

Respondent	Comment	Response
Trading Standards Wales	No.	Comment noted.

Do you agree with the familiarisation cost that has been identified? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	No, the familiarisation costs for Local Authorities were calculated using the Annual report on Local Authority food law enforcement and assumed that 47 people across 22 Local authorities in Wales would need to familiarise themselves with the legislative changes. That is the FTE figure for food standards in Wales, there will be considerably more LA officers that will need to familiarise themselves with the changes than suggested as the FTE figures provided would not equate to whole individuals, as food standards would only form a part of a Trading Standards Officers role, they would also be involved with metrology, consumer safety, fair trading work and animal feed. Food standards work is also undertaken by Environmental Health Officers in some LAs who have not been included in the calculation.	Thank you for your detailed response. This information has been used to update and recalculate the familiarisation costs estimated for this work.

Are there any other changes that would help to provide greater clarity on regulating the use of substances for the production of food contact regenerated cellulose films? If yes, please explain what these are, and what benefits they might provide.

Respondent	Comment	Response
Trading Standards Wales	We have no comment on this at this time.	Comment noted.

Extraction Solvents

Do you agree that incorporating Annex I of Council Directive 2009/32/EC into Welsh legislation would provide ease of reference for enforcement authorities, industry and the public? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	Yes.	Comment noted.

Are you aware of any impacts of the proposed measures that have not been identified in this consultation?

Respondent	Comment	Response
Trading Standards Wales	No.	Comment noted.

Do you agree with the familiarisation cost that has been identified? If not, please explain why.

Respondent	Comment	Response
Trading Standards Wales	No, the familiarisation costs for Local Authorities were calculated using the Annual report on Local Authority food law enforcement and assumed that 47 people across 22 Local authorities in Wales would need to familiarise themselves with the legislative changes. That is the FTE figure for food standards in Wales, there will be considerably more LA officers that will need to familiarise themselves with the changes than suggested as the FTE figures provided would not equate to whole individuals, as food standards would only form a part of a Trading Standards Officers role, they would also be involved with metrology, consumer safety, fair trading work and animal feed. Food standards work is also undertaken by Environmental Health Officers in some LAs who have not been included in the calculation.	Thank you for your detailed response. This information has been used to update and recalculate the familiarisation costs estimated for this work.

Are there any other changes that would help to provide greater clarity on regulating the use of extraction solvents? If yes, please explain what these are, and what benefits they might provide.

Respondent	Comment	Response
Trading Standards Wales	We have no comment on this at this time.	Comment noted.

Other comments (Extraction Solvents)

Respondent	Comment	Response
The UK Flavour Association	The UK Flavour Association fully supports the incorporation of existing levels into UK law. As industry has been operating with the current list for some time, we do not see any significant impact or cost to business with this technical change to the legislation.	Comment noted.

Actions to be implemented

- The FSA considers that the proposals to correct deficiencies in national (Wales only) legislation relating to animal feed to ensure the legislation operates effectively following the UK's exit from the European Union (EU) be implemented.
- The FSA considers that the proposals to correct deficiencies in national (Wales only) legislation relating to food contact materials to ensure the legislation operates effectively following the UK's exit from the European Union (EU) be implemented.
- The FSA considers that the proposals to correct deficiencies in national (Wales only) legislation relating to extraction solvents to ensure the legislation operates effectively following the UK's exit from the European Union (EU) be implemented.

List of respondents

1. Trading Standards Wales
2. The UK Flavour Association