

Proposal to allow flour millers to place unfortified flour on the Northern Ireland market, subject to it being destined for countries outside the UK, or used in products destined to be sold outside of the UK

Summary of stakeholder responses June 2022

Introduction

This consultation was issued on 13 September 2021 and closed on 6 December 2021.

The proposal is to allow millers to sell unfortified flour onto the Northern Ireland market subject to it being used in products destined to be sold outside the UK.

The consultation sought:

- Comments from industry, enforcement authorities, consumers and other interested stakeholders on whether there is merit and demand for millers to sell unfortified flour onto the Northern Ireland market subject to it being destined for countries outside the UK, or used in products destined to be sold outside the UK.
- Additional information about relevant trade and the likely impacts of the proposed changes for this sector.

Summary of substantive comments

Proposal Options:

Option 1 – Amend the Bread and Flour Regulations (Northern Ireland) 1998 to allow flour millers to sell unfortified flour onto the Northern Ireland market subject to it being destined to be sold outside the UK, or used in products destined to be sold outside of the UK.

Option 2 – Do Nothing. This option would maintain the status quo, with millers unable to place unfortified flour on the Northern Ireland market, even where it is being used in products destined to be sold outside of the UK.

The consultation welcomed input relating to any concerns or risks regarding the proposal outlined in Option 1, any other impacts that have not been identified in the consultation and welcomed any additional comments.

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

The FSA'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.

Responses

All stakeholders that responded to the consultation were in agreement with Option 1 as the preferred option.

Comments by Stakeholders on Benefits of Option 1	Response
Benefits outlined included a possible increase in the demand for flour, fair competition for Northern Ireland flour millers & counterparts in the European Union (EU), and bringing Northern Ireland	Noted.

on the same level playing field as the rest of the UK.	
Comments by Stakeholders on Concerns relating to Option 1	Response
<ul style="list-style-type: none"> Concerns around mutual recognition clauses continuing to apply in Northern Ireland. Clarification as to whether the maintenance of recognition clauses within the Bread Flour Regulations Northern Ireland legislation would allow a manufacturer to have the option to use unfortified EU/EEA imported wheat flour (for example ROI) in foods sold on the Northern Ireland domestic and Great Britain market. Costs due to changeover to new product specifications, use of separate equipment & new labels. 	<p>Noted.</p> <p>Noted. Northern Ireland manufacturers already have the option to use unfortified EU/EEA imported wheat flour, for example in ROI with foods sold on the NI domestic market. These foods can also be sold on the Great Britain market if meeting the criteria for a Qualifying Northern Ireland Good. Further information can be found at: https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk</p> <p>Noted. The proposals would allow Northern Ireland flour millers to supply unfortified flour onto the Northern Ireland market subject to it being destined to be sold outside the UK, or used in products destined to be sold outside of the UK at their own discretion.</p>

Comments by Stakeholders on Enforcement Issues	Response
<ul style="list-style-type: none"> • Clear understanding as to where responsibility lies when placing unfortified flour on the market and any enforcement issues – millers can ask for a guarantee, a declaration from its customer that the unfortified flour will only be used for products destined for export. However, millers cannot be held accountable for the final products and their compliance with the regulations of the countries where these are being sold. 	<p>Noted. It is not desirable or acceptable that millers would be subject to enforcement due to a non-compliance outside of their control and by fault of another Food Business Operator. Therefore, the proposals will be introduced in a way to alleviate this concern.</p>
Additional Comments by Stakeholders	Response
<ul style="list-style-type: none"> • Support from the Northern Ireland authorities to develop a more agile Bread and Flour Regulations that would consider the introduction of deregulatory measures to make it less burdensome for the manufacturing industry and facilitates trade. 	<p>Noted. The FSA is currently engaged in a four-nation review of the Bread and Flour Regulations. The objectives of this review are to ensure the Regulations are fit for purpose and support UK industry whilst protecting consumers.</p>

Actions to be implemented

The FSA in Northern Ireland has reviewed and considered all stakeholders' responses. No changes were made to the original policy proposal as a result of the responses received.

List of respondents

1. Food and Drink Federation (FDF)
2. Newry, Mourne & Down District Council (NMDDC)
3. UK Flour Millers (UKFM)