



## The proposed approach to domestic legislation relating to food and feed safety and hygiene, food compositional standards and food labelling (including nutrition labelling) in Northern Ireland

**Launch date: 16 September 2020**

**Respond by: 14 October 2020**

### This consultation will be of most interest to

Food and animal feed businesses including manufacturers, wholesalers and retailers, and enforcement authorities. The consultation may also be of interest to health professionals, consumer groups and others with an interest in food and feed legislation.

### Consultation subject

This consultation concerns the proposed approach to technical amendments to Northern Ireland (NI) domestic legislation relating to food and feed safety and hygiene, food compositional standards and food labelling (including nutrition labelling). These amendments are necessary to reflect the application of the Withdrawal Agreement and the Protocol on Ireland/Northern Ireland (NIP) to ensure NI food and feed law remains effective at the end of the Transition Period (TP).

### Purpose of the consultation

To seek the views of food and animal feed businesses, enforcement authorities, consumer groups, other stakeholders and the wider public as to the proposed approach.

### How to respond

Responses to this consultation should be sent to:

Email:	Email: <a href="mailto:executive.support@food.gov.uk">executive.support@food.gov.uk</a>
Division/Branch:	Food Standards Agency in Northern Ireland Executive Support Unit
Postal address:	10a-c Clarendon Road Belfast Co Antrim BT1 3GB

## Details of consultation

### Introduction

1. The FSA in NI is consulting on proposed technical amendments to domestic legislation relating to:
  - a. Food and feed safety and hygiene (including the safety aspects of food standards i.e. food additives);
  - b. Food compositional standards and labelling; and
  - c. Nutrition labelling.

These proposed amendments are required to ensure that a range of provisions in NI domestic legislation reflects the application of the Withdrawal Agreement and the NIP to ensure NI food and feed law remains effective at the end of the TP.

### Background

2. Last year, the FSA in NI made legislation in respect of the United Kingdom's (UK) exit from the European Union (EU) based on a possible No Deal scenario. This legislation will now have to be revoked and amendments made to ensure law applying in NI relating to food and feed safety and hygiene, food compositional standards, food labelling and nutrition labelling is updated to reflect the terms of the NIP and provide legal underpinning for the operation of the NIP from the end of the TP.
3. This consultation applies to NI only as it relates to technical amendments to NI domestic legislation to reflect that EU law will continue to apply to NI food and feed law, under the conditions set out in Annex II of the NIP, at the end of the TP. Therefore, this issue does not apply to England, Scotland and Wales.
4. The purpose of this consultation is to provide stakeholders with an opportunity to comment on the FSA's proposed approach. There are no policy changes proposed as these amendments are technical in nature and will not result in any material change in the level of protection which the currently applicable food and feed law gives to human or animal health, or to the high standard of protection consumers expect in relation to food and feed labelling and composition.

5. The FSA's proposed approach to NI domestic legislation as noted in this consultation is aligned with the FSA Board's principles for future arrangements on the UK exiting the EU. The FSA Board principles are that arrangements should be at least as effective or more effective in protecting public health, maintain confidence in food safety and the regulatory regime, minimise disruption for consumers and industry, and seek to achieve as unified a system as possible, in the consumer interest, whilst respecting devolution arrangements.

## EU Transition Period

6. Following the EU exit referendum result to leave the EU on 23rd June 2016, the FSA in NI reviewed the operability of all food and feed related legislation applying in NI for which it has policy responsibility. The purpose of the review was to identify the amendments needed to ensure that the legislation remains operable after the UK left the EU. Consequently, the FSA in NI made legislation in respect of the UK's exit from the EU.
7. On 31<sup>st</sup> January 2020, the UK left the EU and the Withdrawal Agreement, which includes the NIP, entered into force. Although, the UK is no longer a Member State of the EU, NI remains subject to certain provisions of EU law for as long as the NIP remains in force.
8. This legislation will now have to be revoked and amendments made to ensure law applying in NI relating to, food and feed safety and hygiene, food compositional standards, food labelling and nutrition labelling, is updated to reflect the terms of the NIP and provide legal underpinning for the operation of the NIP from the end of the TP.
9. The UK Government published a [Command Paper](#) on its approach to the NIP on 20<sup>th</sup> May 2020 and further information on the impacts of the NIP can be found there. The wider policy implications of the NIP are not considered in this consultation. This consultation is focused on the necessary legislative amendments to NI domestic legislation in respect to food and feed safety and hygiene, food compositional standards, food labelling and nutrition labelling to ensure the NIP is appropriately reflected in law.

## Main proposals:

### The Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

10. The Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 amends NI domestic legislation, originally made to transpose or enforce EU law, to reflect no deal fixes to retained EU law. The FSA now proposes to revoke the Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 as a result of the NIP as it is essential to ensure the correct legal operability of the NI domestic law at the end of the TP, in respect to food labelling and compositional standards.
  
11. The FSA also proposes to make any further amendments necessary to NI domestic legislation to reflect the NIP. These corrections are likely to be required to the following NI domestic legislation:

### Food and feed hygiene and safety

- The General Food Regulations (Northern Ireland) 2004
- The Food Hygiene Regulations (Northern Ireland) 2006
- The Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007
- The Official Feed and Food Controls Regulations (Northern Ireland) 2009
- The Meat (Official Controls Charges) Regulations (Northern Ireland) 2009
- The Food Irradiation Regulations (Northern Ireland) 2009
- The Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011
- The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012
- The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013
- The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013
- The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016

- The Novel Foods Regulations (Northern Ireland) 2017

### **Food Compositional Standards and Labelling**

- The Food (Lot Marking) Regulations (Northern Ireland) 1996
- The Spreadable Fats (Marketing Standards) and Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008
- The Fish Labelling Regulations (Northern Ireland) 2013
- The Food Information Regulations (Northern Ireland) 2014
- The Honey Regulations (Northern Ireland) 2015
- The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015
- The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015
- The Caseins and Caseinates Regulations (Northern Ireland) 2016

### **Nutrition Labelling**

- The Food Supplements Regulations (Northern Ireland) 2003
- The Kava-kava in Food Regulations (Northern Ireland) 2005
- The Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007
- The Nutrition and Health Claims Regulations (Northern Ireland) 2007
- The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009
- The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016

12. The amendments will be minor technical fixes which will not equate to a change in policy and will cover a range of issues.

## Engagement and Consultation Process

13. A four-week public consultation is being launched to provide interested parties with an opportunity to comment on the proposed approach to domestic legislation relating to food and feed safety and hygiene, food compositional standards and food labelling (including nutrition) in NI and its associated impacts.
14. The FSA anticipates that the impact on both businesses and enforcement authorities in familiarising themselves with these enforcement regulations will be negligible as the proposed amendments do not equate to a change to policy and are necessary to permit NI to continue to follow EU rules in relation to food and feed safety and hygiene, food compositional standards and food labelling (including nutrition).
15. The FSA envisages that the 11 District Councils and the Department of Agriculture, Environment and Rural Affairs (DAERA) in NI who will enforce this legislation will incur minimal one-off familiarisation costs to read and familiarise themselves with the new legislation and then disseminate to enforcement officers.
16. The FSA aims to minimise any impact on businesses and enforcement authorities through targeted engagement with these key stakeholders. Ongoing and formal consultation will follow as required.
17. An impact assessment has not been produced as no significant impacts other than familiarisation costs were identified.
18. Any responses received as part of this consultation will be given careful consideration and a summary of the responses received will be published on our website within three months of the consultation closing.

## Questions asked in this consultation:

1. Do you have any comments on the proposed approach to technical amendments to NI domestic legislation relating to, food and feed safety and hygiene, food compositional standards and food labelling (including nutrition), to reflect the application of the Withdrawal Agreement and the NIP to ensure NI food and feed law remains effective at the end of the TP, as set out in this consultation?
2. Do you identify any concerns or risks regarding the proposed approach that appear not to have been adequately addressed?
3. Are you aware of any impacts of the proposed measures that have not been identified in this consultation?
4. Do you agree with the impacts that have been identified within this consultation?

## Other relevant documents

## Responses

Responses are required by close 14 October 2020. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

Food Standards Agency in Northern Ireland

## **Annex A: Standard Consultation Information**

### **Disclosure of the information you provide**

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

### **Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### **What we do with it**

All the personal data we process is located on servers within the European Union. Our cloud-based services have been procured through the government framework agreements and these services have been assessed against the national cyber security centre cloud security principles.

No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

## What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information we process on you is incorrect, you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO) at <https://ico.org.uk>, or telephone 0303 123 1113.

Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address:  
[informationmanagement@food.gov.uk](mailto:informationmanagement@food.gov.uk)

## Further information

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).

## **Annex B: Impact Assessment**

The Government's Code of Practice on Impact Assessments states that an Impact Assessment should normally be published alongside a formal consultation. We consider that the impact on both businesses and enforcement authorities of the proposed amendments to NI domestic legislation will be negligible.

If, however, the consultation should bring to light any impact on enforcement bodies or industry which has not been anticipated, we will reconsider the need for an Impact Assessment.