

**EXPLANATORY MEMORANDUM TO
THE FOOD LABELLING (DECLARATION OF ALLERGENS) REGULATIONS (NORTHERN
IRELAND) 2011**

2011 No. 45

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 15(1)(e), 16(1), 25(1)(a) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.

2. Purpose of the Rule

- 2.1 These Regulations amend the Food Labelling Regulations (Northern Ireland) 1996 to further extend a temporary exemption from certain labelling requirements for wine. This temporary exemption applies to the declaration on label of lysozyme¹ and of albumin (produced from egg) or milk products (in the form of casein) used as treatment agents (“fining agents”) in wine. These are all ingredients which may cause an allergic reaction in some people.

3. Legislative Background

- 3.1 This rule implements Commission Regulation (EU) No 1266/2010 of 22 December 2010 amending Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients.

4. Parity or Replicatory Measure

- 4.1 This Rule applies to Northern Ireland only. Parallel legislation is being made in England, Scotland and Wales.

5. European Convention on Human Rights

- 5.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Policy background

- What is being done and why

- 6.1 The Food Labelling Regulations (Northern Ireland) 1996 (as amended) aim to ensure that consumers are properly informed about the nature and substance of the foods they buy and are protected from false or misleading descriptions. The Regulations include a list of 14

¹ Lysozyme can be used to treat the must prior to fermentation to inhibit naturally present bacteria that might interfere with the alcoholic fermentation carried out by the yeast and thus produce an unpleasant wine. It may also be used after fermentation to inhibit the bacteria that cause a malolactic fermentation in wine. This is usually a desirable reaction in cool, northern wine-making regions but is normally undesirable in warmer or hot regions.

allergens that have to be indicated on the label whenever they, or their derivatives, are used as deliberate ingredients in pre-packed food including alcoholic drinks.

6.2 European Union (EU) food labelling legislation was amended in 2008 to temporarily exempt the fining agents mentioned in paragraph 2.1 above from the requirement to be declared on wine labels until 31 May 2009. This was to give the wine industry time to provide the European Commission (“the Commission”) with the information needed to support a permanent exemption. However, due to difficulties encountered by the wine industry in meeting this deadline, the legislation was amended again to extend the temporary exemption until 31 December 2010.

6.3 Commission Regulation (EU) No 1266/2010 further extended the temporary exemption until 30 June 2012. This rule implements the extension to the temporary exemption in relation to Northern Ireland by means of an amendment to the Food Labelling Regulations (Northern Ireland) 1996.

- Consolidation

6.4 A review of EU Food Labelling legislation is ongoing at European level with a view to its revocation in favour of a directly applicable EU ‘Food Information Regulation’. When the EU Regulation is enacted national legislation will be amended accordingly.

7. Consultation outcome

7.1 The Food Standards Agency in Northern Ireland has kept Interested Parties informed of developments and consulted them on the draft Commission Regulation when it was considered in EU Standing Committee in early October 2010.

7.2 No responses were received in Northern Ireland.

8. Guidance

8.1 The Food Standards Agency’s guidance on the allergen labelling rules that are available on its website will be revised to reflect this change in the legislation.

9. Equality Impact

9.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies. Wine producers can continue to use current labels on their wine and will not be required to make changes to these until 30 June 2012.

10.2 There is no impact on the public sector as Local Government Regulation agreed that no additional costs would arise from enforcing this rule.

10.3 An Impact Assessment has not been prepared for this rule.

11. Regulating small business

11.1 The legislation applies to both small and large businesses.

11.2 The intention of the extension to the temporary exemption period implemented by this rule is to give wine producers additional time to supply the necessary information to the Commission to support a permanent exemption from allergen labelling which, if enacted, would benefit both small and large businesses.

12. Monitoring and review

12.1 This rule does not introduce any changes until 30 June 2012 at which time wine producers will be required to reflect the fining agents mentioned in paragraph 2.1 above on their wine labels, where appropriate. As such, it is not possible to measure its success until after 30 June 2012.

12.2 Any review of the legislation, with particular regard to the date of the temporary exemption's expiry, and any possibility of the exemption becoming permanent would be undertaken by the European Commission, in liaison with European Food Safety Authority (EFSA) and Member States. The UK will participate in any such review.

13. Contact

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