

## EXPLANATORY MEMORANDUM TO

### THE FOOD INFORMATION (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2016

#### 2016 No. 249

#### 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), 16(2) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and paragraph 1A of Schedule 2 to the European Communities Act 1972.

#### 2. Purpose of the Rule

- 2.1 The main purpose of the Food Information (Amendment) Regulations (Northern Ireland) 2016 is to provide enforcement powers to underpin the directly applicable European Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.

#### 3. Matters of special interest to the Health Committee

- 3.1 None.

#### 4. Parity or Replicatory Measure

- 4.1 This Rule applies to the North of Ireland only. Corresponding Regulations will be introduced in the other UK countries.

#### 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

- 6.1 Following a revision of the legislation on foodstuffs intended for particular nutritional uses (PARNUTS), on 20 July 2016 Regulation (EU) No 609/2013 will repeal Directive 2009/39/EC (the PARNUTS Directive) and Regulation (EC) No 41/2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten.
- 6.2 After that date, the conditions for the provision of information on the absence or reduced presence of gluten in food will be contained in Commission Implementing Regulation (EU) No 828/2014. This Regulation does not substantially change the rules for gluten labelling; it will clarify how food businesses can inform consumers of differences between foods that are naturally free of gluten and products that are specifically formulated for people who suffer from coeliac disease.
- 6.3 The amending Statutory Rule (SR) is necessary to provide enforcement powers to underpin the European Regulation and to revoke the Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 which will no longer have any

purpose. The enforcement powers will ensure the continued protection of consumers who are intolerant to gluten.

## **7. Consultation outcome**

7.1 A seven week public consultation was carried out in the North Ireland on the draft SR from 25<sup>th</sup> March to 3<sup>rd</sup> May 2016. One response was received which was broadly supportive of the proposals.

## **8. Equality Impact**

8.1 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.

## **9. Guidance**

9.1 Current FSA guidance will be updated in due course to take account of the changes described above.

## **10. Monitoring**

10.1 The FSA will work with enforcement authorities where problems or suspected infringements of the legislation arise. The effectiveness of the rule will also be monitored via general feedback from industry and enforcement authorities.

## **11. Contact**

Danielle Gamble at the Food Standards Agency NI, Tel: 028 9041 7705,  
Email: [danielle.gamble@foodstandards.gsi.gov.uk](mailto:danielle.gamble@foodstandards.gsi.gov.uk)