

# **EXPLANATORY MEMORANDUM TO**

## **The Caseins and Caseinates Regulations (Northern Ireland) 2016**

### **SR 2016 No. 415**

#### **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(1), 25(1), (2)(e) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991.
- 1.3 The rule is due to come into operation on 22<sup>nd</sup> December 2016.

#### **2. Purpose**

- 2.1 This Rule will transpose Directive (EU) 2015/2203 (hereafter referred to as the CC Directive) which repeals and replaces Council Directive 83/417/EEC, which provides for the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption.; and
- 2.2 Introduce Improvement Notices under Article 9 as applied and notified of the Food Safety (Northern Ireland) Order 1991 to enforce the CC Directive.

#### **3. Background**

- 3.1 The CC Directive makes very minor adjustment to the substance of Directive 83/417/EEC (which it revokes).
- 3.2 This was necessary to take into account developments in food law, remove unnecessary provisions and update various terms and references to take into account those used in other EU legislation. It also aligns composition requirements with the international standard set by the Codex Alimentarius for the sake of consistency and to avoid trade distortions.
- 3.3 The Directive gives the Commission the power to make a delegated act in respect of the technical elements in the Annexes, in order to take account of developments in relevant international standards or technical progress. This is in line with the usual approach on changes to technical details.
- 3.4 The Directive gives the Commission the power to make a delegated act in respect of the technical elements in the Annexes. For example, updates to reflect developments in relevant international standards or technical progress. This is in line with the usual approach on changes to technical details.

3.5 To fulfil our obligations to the EU, we require domestic legislation to transpose the CC Directive and to introduce Improvement Notices to enforce non-compliances of the new European requirements.

3.6 Given the age of the current domestic legislation preference is to revoke the Caseins and Caseinates Regulations (Northern Ireland) 1986 (as amended) and replace it with a new Statutory Rule.

#### **4. Matters of Special Interest to the Health Committee**

N/A

#### **5. Consultation**

5.1 A shortened formal public consultation on the Caseins and Caseinates Regulations (Northern Ireland) 2016 was held between 10th October to 7th November 2016.

5.2 No responses were received.

#### **6. Position in Great Britain**

6.1 Similar legislation is being made in Wales and Scotland. However, in line with other legislation practices, improvement notices will not be implemented in Scotland.

#### **7. Equality Impact**

7.1 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.

#### **8. Regulatory Impact**

8.1 A Regulatory Impact Assessment has not been prepared to accompany these Regulations as there are no changes to the current controls and therefore no identified costs to consumers, businesses or enforcement authorities associated with implementation of the new Regulations.

#### **9. Financial Implications**

9.1 N/A

#### **10. Section 24 of the Northern Ireland Act 1998**

10.1 These regulations will apply in equal measure to all groups. It is not expected that any of these changes will impact differentially across any as determined by Section 24.

## **11 EU Implications**

11.1 N/A