

## EXPLANATORY MEMORANDUM TO

### THE CONDENSED MILK AND DRIED MILK REGULATIONS (NORTHERN IRELAND) 2018

2018 No. 77

#### 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)(a) and (e), 16(1), 25(1) and (3), 26(3), 32(1) 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 Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 is to remove out-dated references to the Food Labelling Regulations (Northern Ireland) 1996 (FLR) and introduce improvement notice provisions for non-compliance, in-line with recent practice. The Regulations will also consolidate the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2003 (the 2003 Regulations) and the Condensed Milk and Dried Milk (Amendment) Regulations (Northern Ireland) 2008 (the 2008 Regulations), streamlining the Regulations into one Statutory Rule.

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

- 3.1 None.

#### 4. Parity or Replicatory Measure

- 4.1 This Rule applies to Northern Ireland only. Parallel legislation is being made in 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

- 6.1 Currently domestic rules in this area are provided by the 2003 and 2008 Regulations. The 2003 and 2008 Regulations implement EU Directive 2001/114/EC and 2007/61/EC respectively. Directive 2001/114/EC lays down compositional standards relating to certain partly or wholly dehydrated preserved milk products intended for human consumption. Directive 2007/61/EC amends 2001/114/EC adjusting compositional standards relating to certain partly or wholly dehydrated preserved milk products intended for human consumption.
- 6.2 Currently, the 2003 Regulations refer to the labelling requirements of the FLR. However, the majority of the provisions contained in the FLR were revoked by the Food Information Regulations (Northern Ireland) 2014 (FIR). The references to the FLR in the 2003 Regulations therefore need to be removed.
- 6.3 Most of the references to the FLR in other food-related regulations were removed by the FIR in 2014. It was decided at the time not to use the FIR to remove the reference to the FLR from the 2003 Regulations. The rationale was at that time, a consultation was being undertaken by FSA in Northern Ireland to make a separate SR to amend

the 2003 Regulations, and it was intended to use those amendment Regulations to correct the references to the FLR. In the event, those amendment Regulations were never made, effectively retaining the incorrect references to the FLR in the 2003 Regulations.

- 6.4 This S.R. also provides the opportunity to bring the Condensed Milk and Dried Milk Regulations in line with other food labelling and compositional Regulations by introducing improvement notices providing for non-compliance.

## **7. Consultation outcome**

- 7.1 A six week public consultation was conducted between 13<sup>th</sup> December 2017 and 29<sup>th</sup> January 2018 seeking comments on the draft Statutory Rule. One response was received which was in support 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. Contact**

Danielle Gamble at the Food Standards Agency NI, Tel: 028 9041 7705,

Email: [danielle.gamble@food.gov.uk](mailto:danielle.gamble@food.gov.uk)