

## **POLICY NOTE**

### **THE NOVEL FOODS (SCOTLAND) REGULATIONS 2017**

#### **SSI 2017 No. 415**

#### **1. Description**

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 6(4), 16(1), 17(1) and (2), 18(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990, section 2(2) of the European Communities Act 1972 and all other powers enabling them to do so. This instrument is subject to the negative procedure.

#### **2. Policy Objective**

The main purpose of The Novel Foods (Scotland) Regulations 2017 is to provide enforcement powers to underpin the directly applicable Regulation (EU) No 2015/2283 on novel foods.

#### **3. Policy Background**

Following a revision of the legislation concerning novel foods and novel food ingredients, Regulation (EU) 2015/2283 will repeal Regulation (EC) No 258/97 on 1 January 2018.

Regulation (EU) No 2015/2283 on novel foods, lays out the requirements for placing novel foods on the market within the EU including new streamlined authorisation procedures utilising the European Food Safety Authority to provide a centralised risk assessment function, and details new specific rules for traditional foods from third countries.

As the definition of what constitutes a novel food has been broadened in the new EU Regulation, operators placing other novel food products, such as insects for human consumption, on the market are also likely to be affected.

This Scottish Statutory Instrument (SSI) is necessary to enable the enforcement of and provide penalties for non-compliance with the relevant provisions of Regulation (EU) No 2015/2283 which will come into force 01 January 2018. The SSI revokes The Novel Foods and Novel Food Ingredients Regulations 1997 and the enhanced enforcement powers will ensure the continued protection of consumers of novel foods.

#### **4. Consultation**

A shortened 8 week consultation was carried out in Scotland on the draft SSI and the supporting Business and Regulatory Impact Assessment (BRIA) from 12 June to 6 August 2017. Two responses were received from the 272 stakeholders on the consultee list. These were from a feed business operator and a local authority Environmental Health Department.

The first response was from a manufacturer of animal feed therefore the proposed Regulation is not applicable to them. However, their responses to the consultation were of interest to

Food Standards Scotland as it provided an understanding of how the proposed Regulation could impact on them. They are looking at seaweed, microalgae and insects to be added to animal feed as a source of protein and have expressed interest in the improved accessibility of these ingredients as a result of the new Regulation.

The local authority Environmental Health Department raised points concerning the familiarisation costs for food businesses and local enforcement authorities outlined in the partial BRIA. Food Standards Scotland has reviewed these costs and these have been reflected in the final BRIA.

## **5. Other Administrations**

These Regulations apply in relation to Scotland only and corresponding Regulations will be introduced in the other UK countries.

## **6. Guidance**

Guidance notes for the new Regulation will be prepared in due course.

## **7. Impact Assessment**

A final BRIA has been prepared following public consultation and discussion with stakeholders and accompanies this note.

## **8. Regulating small businesses**

This Regulation will apply to all food businesses concerned with the marketing of novel food.

## **9. Monitoring**

Food Standards Scotland will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of this instrument will be monitored via general feedback from industry and Enforcement Authorities.

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