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STATUTORY INSTRUMENTS

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**2020 No. 541**

**FOOD, ENGLAND**

**The Food Information (Amendment)  
(England) Regulations 2020**

<i>Made</i>	- - - -	<i>27th May 2020</i>
<i>Laid before Parliament</i>		<i>28th May 2020</i>
<i>Coming into force</i>	- -	<i>18th June 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 17(2), 26(3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(2)</sup>.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink<sup>(3)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers<sup>(4)</sup> and to Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food<sup>(5)</sup> to be construed as references to those instruments as amended from time to time.

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990<sup>(6)</sup>.

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- (1) [1990 c.16](#). Section 17 was amended by paragraphs 8 and 12(a) of Schedule 5 to the Food Standards Act [1999 \(c.28\)](#) (“the 1999 Act”) and [S.I. 2011/1043](#). Section 26(3) was partially repealed by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.
- (2) [1972 c.68](#). The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c.16\)](#) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act [2020 \(c.1\)](#)) (see also Part 3 of Schedule 8 to that Act as regards savings and transitional provisions). Section 2(2) of the 1972 Act was amended by section 27(1) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) and by Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c.7\)](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and [S.I. 2007/1388](#).
- (3) [S.I. 2005/2766](#). It is prospectively revoked by [S.I. 2018/1011](#) which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.
- (4) OJ L 304, 22.11.2011, p. 18, as last amended by Regulation (EU) 2015/2283 (OJ L 327, 11.12.2015, p. 1)
- (5) OJ L 131, 29.05.2018, p. 8, to which there are amendments not relevant to the English language version of the instrument.
- (6) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(7)</sup>, during the preparation, evaluation and revision of food law in relation to these Regulations.

### Citation and commencement

1. These Regulations may be cited as the Food Information (Amendment) (England) Regulations 2020 and come into force on 18th June 2020.

### Amendment of the Food Information Regulations 2014

2.—(1) The Food Information Regulations 2014<sup>(8)</sup> are amended as follows.

(2) In Schedule 5 (Improvement notices – specified FIC provisions), after Part 3, insert–

“Part 4 FIC provisions concerning primary  
ingredient country of origin/place of provenance

<i>Provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 26(3) (requirement for a mandatory indication relating to the country of origin or place of provenance of the primary ingredient in certain cases)	Articles 1(3) and 6 of FIC and Articles 2 and 3 of Commission Implementing Regulation (EU) No 2018/775 as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.”.

27th May 2020

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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(7) OJ L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 (OJ L 198, 25.7.2019, p. 241).

(8) S.I. 2014/855, amended by S.I. 2015/1348. It is prospectively amended by S.I. 2019/150, which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, and by S.I. 2019/1218 from 1st October 2021.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Food Information Regulations 2014 ([S.I. 2014/1855](#)) (“the 2014 Regulations”) to make provision to enforce, in England, Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (“Article 26(3)”) as read with Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food (“the Commission Regulation”).

Regulation 2 amends Schedule 5 to the 2014 Regulations to insert a reference to Article 26(3) and the Commission Regulation. The effect of this is that regulation 12 of the 2014 Regulations applies certain provisions of the Food Safety Act 1990 ([1990 c.16](#)) in relation to those provisions. This includes the application (with modifications) of section 10(1) of that Act, which enables an improvement notice to be served requiring compliance with Article 26(3) as read with the Commission Regulation. Section 10(2) of that Act, as so applied, makes the failure to comply with an improvement notice an offence.

The Explanatory Memorandum is published alongside the Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.