

EXPLANATORY MEMORANDUM TO

THE PRODUCTS CONTAINING MEAT ETC. REGULATIONS (NORTHERN IRELAND) 2014

2014 No. 285

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), (e) and (f), 25(1)(a), (2)(e) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991.

2. Purpose of the Rule

- 2.1 This Rule is required because some elements of the Meat Products Regulations (Northern Ireland) 2004 (MPR 2004), which set national composition and labelling requirements for products containing meat, are not compatible with some of the provisions of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC Regulation). This EU Regulation has direct effect in all Member States from 13th December 2014.
- 2.2 This rule will revoke the MPR 2004 and reinstate their main provisions in a way that is compatible with the FIC Regulation. The rule also updates and simplifies the main provisions of the MPR 2004. In addition, a change in name from 'Meat Products' to 'Products containing meat etc.' is proposed to reflect better the scope of the rule.

3. Matters of special interest to the Health Committee

- 3.1 None.

4. Legislative Context

- 4.1 The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (PMR 2014) will revoke and replace the MPR 2004. They will also revoke the Regulations and provisions of the other pieces of legislation that amended the MPR 2004. Some of the provisions contained in the MPR 2004 are now EU provisions contained in EU FIC and, in order to comply with EU law, will not be carried forward in the PMR 2014; other provisions in the MPR 2004 will be carried forward into the PMR 2014.
- 4.2 The MPR 2004 set certain quality standards for products containing meat and/or other parts of animal carcasses. They outline the 'reserved descriptions' which set minimum meat contents for products using certain names, including 'sausage', 'burger' and 'pie'; set out when added ingredients such as water or ingredients from other species need to be included in the name of the food; and prohibit certain parts of the carcass from uncooked products for quality reasons. They are mirrored in England, Scotland and Wales.
- 4.4 EU FIC is the new overarching EU Regulation on the provision of food information for consumers. The majority of its provisions apply on 13 December 2014. Some of these overlap with the provisions of the MPR 2004. To avoid confusion and the potential for infraction proceedings, the MPR 2004 will therefore be replaced with new regulations which take account of, and are compliant with, European law - the PMR 2014.
- 4.5 The PMR 2014 largely replicate the MPR 2004. The changes as a result of European legislation are as follows:

a) The term ‘Melton Mowbray pie’ is omitted from the reserved descriptions in the PMR 2014 as this product now benefits from Protected Geographical Indication status under EU law which sets a meat content minimum of 30%.

b) The section setting out when added ingredients need to be included in the name of the food has been omitted from the PMR 2014 as EU FIC contains relevant provisions, including provisions relating to added water and proteins from different species.

c) The prohibition of certain parts of the carcass in uncooked products will be made subject to a mutual recognition clause, meaning that it will not apply to imported products that have been legally marketed in certain countries, including other Member States.

d) The frontline criminal offences for a contravention of the substantive provisions in the MPR 2004 are replaced with an improvement notice regime, enabling an improvement notice to be served for a failure to comply with a substantive provision of MPR 2014. An appeal against such a notice can be made to a Court of Summary Jurisdiction. There will be a backstop criminal offence for a failure to comply with an improvement notice.

5. Parity or Replicatory Measure

5.1 This Rule applies to Northern Ireland only. Parallel legislation is being made in England, Scotland and Wales.

6. European Convention on Human Rights

6.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The MPR 2004 broadly cover three areas. They –

- a. set national requirements on the name of the food for products containing meat which have the appearance of a joint, cut, slice or carcass of fresh meat;
- b. set reserved descriptions for certain products containing meat; and
- c. restrict certain parts of the carcass from being used in uncooked products containing meat.

7.2 For products containing meat which look like a joint, cut, slice or carcass of fresh meat, the MPR 2004 required that the presence of added water and other added ingredients be declared in the name of the food. Such foods include ‘Bacon with added water’ and ‘Chicken with pork proteins’. These requirements are now regulated by the directly applicable FIC Regulation and so are being removed from the national provisions.

7.3 The rule is titled The ‘Products Containing Meat etc. Regulations (Northern Ireland) 2014’ to help clarify that the scope of the rule is broader than meat products as defined in the EU Food Hygiene Regulations (Northern Ireland) 2006. For example uncooked beef burgers and sausages are classed as meat preparations for food hygiene purposes, but are also subject to labelling requirements under the MPR 2004 and were referred to as meat products for the purposes of those regulations.

7.4 The national MPR 2004 require minimum meat contents for certain products containing meat– such products are known as ‘reserved description’ products and include burgers,

meat pies, and sausages. These provisions, which help prevent the sale of inferior products, are retained.

7.5 The system of ‘reserved descriptions’ ensures the quality of these products with respect to their compositional standards. It provides for minimum standards of specified meat content and so creates a ‘level playing field’ for food producers, since they will work to established standards when producing certain well known or traditional foodstuffs.

7.6 The MPR 2004 also bans certain parts of the carcass, on quality grounds, from being used in uncooked meat products. These prohibitions are retained.

7.7 In summary, this rule:

- removes provisions requiring the declaration of added ingredients in the name of the food that are now covered by the FIC Regulation.
- retains the national ‘reserved descriptions’, ensuring that certain products produced in Northern Ireland must meet minimum meat content to use names such as ‘burger’, ‘meat pie’, and ‘sausage’. In particular, the rule specifies that corned meat must be produced using at least 120g of raw meat per 100g of finished product, to account for the loss of water that occurs during the cooking that is involved.
- retains the prohibition, on quality grounds, of certain parts of the carcass such as brains, feet and intestine in uncooked meat products produced in Northern Ireland.
- changes the existing enforcement regime with a move from the existing frontline criminal sanctions to a more proportionate and targeted regime using improvement notices.

8. Consultation outcome

8.1 A 12 week consultation was conducted in Northern Ireland from 23 January to 17 April 2014. A wide range of enforcement authorities and businesses were consulted and the consultation was available on the Food Standards Agency (FSA) website. No responses were received to the consultation in Northern Ireland.

9. Equality Impact

9.1 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.

10. Guidance

10.1 A combined guidance note was prepared to accompany the consultations in the various parts of the UK and will be made available online to accompany the Regulations.

11. Regulating small business

11.1 This Regulation will apply to all businesses supplying regulated products containing meat.

12. Monitoring & review

Monitoring

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

13. Contact

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