

## EXPLANATORY MEMORANDUM TO

### THE HONEY REGULATIONS (NORTHERN IRELAND) 2015

2015 No. 261

#### 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) and 47(2) of the Food Safety (Northern Ireland) Order 1991.

#### 2. Purpose of the Rule

- 2.1 This Rule implements the provisions of Directive 2001/110/EU relating to honey (the EU Honey Directive) as amended by Directive 2014/63/EU and replaces the Honey Regulations (Northern Ireland) 2003 (S.R. 2003 No. 383), as amended. This ensures that we are complying with our EU obligations in Northern Ireland in relation to the transposition of the amended Directive and ensures consistency in the minimum quality of the products regulated by the Regulations and the correct use of product names so that consumers are not misled.

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

- 3.1 None.

#### 4. Legislative Context

- 4.1 This Rule implements the provisions contained in the EU Honey Directive as amended.
- 4.2 The Rule replaces the 2003 Regulations, as amended and, in doing so, revokes those Regulations, the Honey (Amendment) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 385), the Honey (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 126) and the amendments made to the 2003 Regulations by the Food Information Regulations (Northern Ireland) 2014 (S.R. 2014 No. 223).
- 4.3 The proposal for the EU Honey Directive was cleared by the EU Scrutiny Committee before the Directive was originally adopted. A number of Working Party discussions took place during 2013 with simultaneous discussions in the European Parliament. The House of Lords and House of Commons Scrutiny Committees cleared this proposal from scrutiny. The compromise deal was adopted by the EP's Environment committee on the 19 March 2014 and was formally adopted at the EP Plenary session in April 2014. The amendment to the Honey Directive was published in the Official Journal of the European Union on 3 June 2014.

#### 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 Honey Regulations (Northern Ireland) must be updated to reflect the latest EU Directive that amends the EU Directive on Honey. The statutory rule will:

- Consolidate the Honey Regulations (Northern Ireland) and, in doing so, will revoke two existing SRs as well as revoking provisions contained in the Food Information Regulations (Northern Ireland) 2014: these will be replaced with one rule.
- transpose the EU Honey Directive, as amended by Directive 2014/63/EU.

The objective is to consolidate the current Honey Regulations and provide for an essential labelling change so that the correct terminology is used on honey labels which should now refer to the European Union (EU) rather than the European Community (EC) when describing the origin of blended honey using one of the indications provided for in Article 2(4) of the EU Honey Directive.

The Regulations are also updated to take account of the amendment of EU Honey Directive by Directive 2014/63/EC which provides clarity on the issue of the status of pollen by making it clear that, from a food labelling perspective, it is not to be considered an ingredient of honey.

The status of pollen as an ingredient was considered by the Court of Justice of the European Union in Case C-442/09, Karl Heinz Bablok and Others v Freistaat Bayern (2011 ECR I-07419). Following that case, Directive 2014/63/EU amended the Honey Directive to make it clear that pollen, as a natural constituent of honey, is not to be considered to be an ingredient for the purposes of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers. Regulation (EU) No 1169/2011 contains horizontal food labelling rules that apply to all foods, including honey. The change made by Directive 2014/63/EU makes it clear that honey is to be regarded as a natural and single ingredient food and does not require pollen to be listed as an ingredient. This allows producers to continue to market honey as they have done in the past.

- Consolidation

7.2 The new Regulations consolidate all existing rules on honey into one new set of Regulations. This will see the number of regulations on honey decrease to one, making it easier for industry and enforcement authorities by having all the domestic honey rules for Northern Ireland together in one set of Regulations.

## **8. Consultation outcome**

8.1 A six week consultation was conducted in Northern Ireland from 27 March to 8 May 2015. A wide range of enforcement authorities and businesses were consulted and the consultation was available on the Food Standards Agency (FSA) website. One response was 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 Current guidance remains valid but will be updated to reflect the new legal references.

## **11. Regulating small business**

11.1 This Regulation will apply to all businesses involved in the production of honey.

## **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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