

EXPLANATORY MEMORANDUM

THE FOOD (MISCELLANEOUS AMENDMENTS ETC.) (EU EXIT) REGULATIONS 2020

S.R. 2020 No. 286

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule (SR) is made under section 11 of and sub-paragraph 11M(1) of Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose of the Statutory Rule

- 2.1 The main purpose of this Rule is to revoke the Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (the 2019 Regulations), before the end of the Implementation Period, when it was due to come into force.
- 2.2 The 2019 Regulations were made to reflect the UK's exit from the EU based on a possible No Deal scenario. This legislation is now being revoked to ensure law applying in Northern Ireland relating to food compositional standards and food labelling remains operable from the end of the Implementation Period.
- 2.3 This Rule also makes technical amendments to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 and the Food Hygiene Regulations (Northern Ireland) 2006 to ensure the operability of this legislation at the end of the Implementation Period.

3. Background

- 3.1. In 2019, the FSA made legislation in respect of the UK's exit from the EU based on a possible No Deal scenario. This legislation will now have to be revoked and amendments made to ensure law applying in Northern Ireland relating to food and feed safety and hygiene, food compositional standards and food labelling is updated to reflect that EU law will continue to apply to Northern Ireland under the terms of the Ireland/Northern Ireland Protocol (NIP). This SR takes account of the application of the NIP from the end of the Implementation Period. The 2019 Regulations are therefore being revoked as these Regulations contained amendments which are no longer required.
- 3.2. Minor amendments are being made to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 to fix some references to EEA states and the United Kingdom. Whilst these Regulations will make some minor amendments to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015, however additional legislative changes are likely to be needed.

3.3. Amendments are also being made to the Food Hygiene Regulations (Northern Ireland) 2006 to ensure Northern Ireland businesses continue to meet the necessary requirements on the form and application of health and identification marks at the end of the Implementation Period and to reflect the application of the NIP.

3.4. This Rule is being made to revoke a previous instrument made in preparation for a No Deal EU Exit and to amend some existing domestic legislation to reflect that EU law relating to food and feed safety and hygiene, food compositional standards and food labelling will continue to apply to Northern Ireland under the terms of the Ireland/Northern Ireland Protocol (NIP).

3.5. This Statutory Rule will revoke the 2019 Regulations so that those provisions which it was due to amend will remain as currently stand. Some additional technical amendments are also required for operability purposes.

4. Consultation

4.1. A four-week public consultation was held from 16th September to 14th October 2020.

4.2. There were two responses to the consultation, one was supportive of the approach being taken to ensure continuation of EU rules in relation to food and feed safety and hygiene, food compositional standards and food labelling to allow for frictionless trade with the EU. The other expressed concerns in relation to potential implications for cost and supply of honey should new labelling rules be implemented, an issue outside the remit of the proposed SR.

5. Equality Impact

5.1. This rule applies equally across society and therefore has no implications under section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A full Impact Assessment has not been prepared as it is not foreseen that these changes will lead to additional costs to industry or through enforcement.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. This rule provides for the enforcement of EU law. There is nothing within it which could be construed as being discriminatory.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. None

11 Additional Information

11.1. Not applicable