

4 JULY 2007

AGENDA ITEM 3b

UK National Food Labelling Provisions

Executive Summary

A second consultation issued by the FSA seeks views on options and recommendations in respect of a number of national provisions within the Food Labelling Regulations 1996 (as amended). These provisions have evolved over time in response to domestic need and have so far been unaffected by EU law. The European Commission has indicated that as a result of the review of EU food labelling legislation, the current Food Labelling Directive 2000/13/EC will be replaced by a directly applicable Regulation. Therefore, these national provisions are being reviewed with the objective of either removing them or seeking to retain them at European level.

The Committee are invited to :

Discuss and agree their response to the FSA consultation on options in respect of UK National Food Labelling Provisions.

Food Standards, Diet and Nutrition Branch

**Contact: Sam Mckeown Tel: 01224 285153
Email: Samantha.McKeown@foodstandards.gsi.gov.uk**

**Christine Green Tel: 01224 285165
Email: Christine.Green@foodstandards.gsi.gov.uk**

Consultation on UK National Food Labelling Provisions

Issue

The FSA has issued a consultation which seeks views on options and recommendations in respect of a number of UK national food labelling provisions, which are set out in the Food Labelling Regulations 1996 (as amended). These provisions have evolved over time and have so far been unaffected by EU law.

Background

The European Commission is currently reviewing EU general food labelling legislation. A draft proposal is expected later this year. This will form the basis for negotiation between Member States on what is likely to be a new directly applicable EU Regulation on food information.

A consequence of an EU Regulation being adopted is that the national provisions would no longer be available to businesses in the UK. The UK must therefore consider which of the provisions, if any, it would like to see adopted into the new EU legislation and seek to negotiate for these in Brussels.

The Agency met with a wide range of key stakeholders between 2005 and 2006, including consumer organisations, trade associations and local authority enforcement bodies to discuss these national provisions. The Agency has consulted the Small Business Service in developing the options set out in this consultation.

SFAC were provided with briefing on this consultation at their meeting in May 2007. Further to this the labelling sub group of SFAC met on the 15 June 2007 to discuss the options put forward for the consultation on the national food labelling provisions and to formulate a draft response which would be taken to the July Committee meeting for agreement by the full committee.

Discussion

The national labelling provisions that are being reviewed with the objective of either removing them or seeking to retain them at national level are set out below, along with the FSA recommended option:

- 'Provident Societies' provision – Regulation 4(3)(b)

Recommended Option – Do nothing, but ensure the provision for pre-packed for direct sale is retained at EU level.

- 'Charities' provision – Regulation 4(3)(c)

Recommended Option – Negotiate for adoption of provision at EU level.

- ‘Fortified Flour’ provision – Regulation 18(1)(e)

Recommended Option – Do nothing. The Agency had considered exploring the possibility of agreeing a threshold below which labelling would not be required and this is referred to in the consultation paper. However, following the consideration by the FSA Board of a similar approach in relation to the fortification of folic acid and their rejection of a threshold approach, the recommended option is ‘Do Nothing’.

- ‘Added Ingredients’ provision – Regulation 18(2)

Recommended Option – Negotiate for inclusion in new EU legislation.

- ‘Manner of Presentation’ flexibility – Regulations 20(3)(b) and 21(3)(b)

Recommended Option – Do nothing but seek clarification/redrafting of Articles 9 and 10 of Directive 2000/13/EC.

- ‘Flour Confectionary’ provision – Regulation 23(1)(b)

Recommended Option – Do nothing.

- ‘Minor accompaniment’ provision – Regulation 26(3) and 26(3)(a)

Recommended Option – Negotiate for change in small packages provision (Article 13 (4) of Directive 2000/13/EC).

The Agency is inviting views on each of these recommendations. These views will inform the Governments thinking and development of policy, which will form the basis of negotiations in Brussels.

The Committee is asked to agree their response to the options that are set out above and outlined in paragraphs 4.3 – 4.9 of the consultation paper. In order to inform policy decisions the FSA need a robust evidence base. To help achieve this a number of detailed questions for affected stakeholders are set out in Annex B of the consultation (set out here in **Annex A**). Responses to the consultation should be structured around these questions.