

Consultation on the Transposition and Enforcement of the EU's Amendments to the Breakfast Directives

Launch date: 19 March 2025

Respond by: 14 May 2025

This document will be of most interest to:

- Consumers
- Food Business Operators (FBO) involved in the manufacturing, production, distribution, handling or selling of honey, fruit juices, jams, jellies and marmalades and/or preserved dehydrated milk products.
- Enforcement Authorities

Consultation Purpose/subject

This consultation seeks stakeholders' views, comments and feedback in relation to the transposition and enforcement of [EU Directive 2024/1438](#), amending:

- Directive 2001/110/EC relating to honey
- Directive 2001/112/EC relating to fruit juices and certain similar products
- Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée
- Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk

It is intended that amendments to these Directives will be transposed into the following domestic Northern Ireland legislation by 14 December 2025:

- The Honey Regulations (Northern Ireland) 2015
- The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013
- The Jam and Similar Products Regulations (Northern Ireland) 2018
- The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018

How to respond

The consultation will be open for 8 weeks from Wednesday 19 March 2025. Responses should be received by 23:59 on Wednesday 14 May 2025.

Responses to this consultation should be sent to executive.support@food.gov.uk or click [here](#) to complete the online form.

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Details of consultation

This consultation is seeking views on the transposition and approach to enforcement of the new requirements outlined in amending Directive (EU) 2024/1438. This Directive amends four of the seven Directives, known collectively as the ‘Breakfast Directives’, relating to honey, fruit juices, jams, jellies and marmalades and preserved dehydrated milk products. Transposition is the legal process of transferring the requirements of EU Directives into domestic legislation.

Introduction

In April 2023, the EU published initial proposals to amend four of the seven ‘Breakfast Directives’. Amending Directive (EU) 2024/1438 was published in the Official Journal on 24 May 2024.

The amending Directive lays down changes to rules on the composition, labelling and processing of products such as honey, fruit juice, jam and marmalades and preserved dehydrated milk with the aim of increased transparency and helping consumers make informed and healthier decisions. The nature of these changes varies with some of the provisions introducing new requirements, while others provide an ability for Northern Ireland to introduce future national measures. Within the new requirements, some may necessitate changes by businesses, whilst others provide businesses with greater flexibility and opportunity for innovation.

It is intended that Northern Ireland will transpose amendments to these Directives, into domestic legislation by 14 December 2025 with the transitional period for food businesses to comply being no later than 14 June 2026.

Enforcement provisions are required to ensure there is a proportionate consequential deterrent for non-compliance with the new requirements. It is intended that the new legislation will extend the use of Improvement Notices to the new requirements, in line with the current enforcement regime for these products.

Main amendments

Transposition

A summary of the amendments introduced by Directive (EU) 2024/1438 can be found in [Annex A](#).

It is intended that changes will be transposed by way of amending the following Northern Ireland Statutory Rules by 14 December 2025:

- The Honey Regulations (Northern Ireland) 2015

- The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013
- The Jam and Similar Products Regulations (Northern Ireland) 2018
- The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018

Enforcement approach

The existing enforcement provisions within these Regulations enable an authorised officer of a District Council to serve an Improvement Notice if there are reasonable grounds for believing that a Food Business Operator is failing to comply with the requirements. The notice will outline the matter which constitutes the failure to comply and specify measures, to secure compliance within a specified time period. Any person who fails to comply with an Improvement Notice shall be guilty of an offence under Article 9(2) of the Food Safety (Northern Ireland) Order 1991 and shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

The intention is to extend the existing application of Improvement Notices to the new requirements being transposed into domestic law, as an effective and proportionate approach to enforcement of the amended Regulations.

The FSA is seeking views on the proposed approach to transpose and enforce the new requirements:

- ***Option 1 - No change***

Do not update the existing Statutory Rules to transpose the Breakfast Directives amendments. This would constitute a failure to comply with our obligation to transpose the EU Directive. It would prevent implementation of new rules aimed at protecting the consumer via increased transparency and helping consumers make informed and healthier decisions. It would prevent industry from benefitting from the additional flexibilities and opportunities for innovation introduced by the new Directive. At this time, option 1 is not considered a viable option due to our obligations to transpose and enforce the new rules.

- ***Option 2 – Preferred option***

Update the existing Statutory Rules to transpose the amendments introduced by the new Directive and extend the existing improvement notice provisions for non-compliance to the new requirements, providing an effective and proportionate means to enforcement for non-compliant products by way of amendments to 4 existing Northern Ireland Statutory Rules. This would comply with our obligations and industry could benefit from the additional flexibilities and opportunities for innovation. Consumers would benefit from new rules aimed at protecting the consumer via increased transparency and helping consumers make informed and healthier decisions.

Impacts

Our current understanding, based on previous stakeholder engagement is that the amendments to domestic legislation will have limited impact for food businesses and enforcement authorities in Northern Ireland, with the main impact being familiarisation costs. The FSA will use this consultation to gather evidence and would welcome comments on impacts which you think may not have been considered, or alternative views about the assumptions made in this consultation.

As with any new legislation, there will be a need for relevant businesses and enforcement authorities to become familiar with changes to the new legislation. Therefore, our current assessment of familiarisation costs are as follows:

Predicted Familiarisation Costs to Businesses

Our current understanding of the industry landscape, informed by engagement with delivery partners, suggests that there are 109 producers of honey, jams, juices and dehydrated milks, potentially affected by the change.

To estimate the one-off familiarisation costs to businesses, we assume that one person per business will be required to familiarise themselves with the changes. Familiarisation costs are calculated by multiplying the expected word count of the new legislation (5,500) by the average number of words a person can read per minute (275 for prose text).

According to the Annual Survey of Hours and Earnings (ASHE)¹, the median hourly wage for Production Managers and Directors in Manufacturing was £26.05 in 2024. This is uplifted by 22% to account for non-wage labour costs, to £31.78, to represent the familiarisation cost per hour to businesses.

If one person in each of the 109 businesses will need to familiarise themselves with the changes at a cost of £31.78 per hour, this gives a total familiarisation cost to businesses of £1,155.

Predicted Familiarisation Costs for District Councils

As enforcement authorities, District Councils will also need to familiarise themselves with the changes.

According to the ASHE the median hourly wage for Environmental Health Professionals in 2024 was £23.13. Uplifted for non-wage labour costs, this becomes £28.22. If two Environmental Health Officers per District Council is required to familiarise themselves

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<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2024>

with the legislative changes, this suggests there will be a familiarisation costs to District Councils of £206.94.

The FSA welcomes feedback in relation to challenges or impacts associated with the transposition and enforcement of Directive 2024/1438, as outlined in Option 2. This will inform our final assessment of impact and any need for FSA advice or guidance, to help prepare stakeholders for the changes.

Discretionary national measures for Northern Ireland

Directive 2024/1438 provides the option for Northern Ireland to implement in the future, certain national measures. This includes authorising the term ‘jam’ to be used interchangeably with ‘marmalade’. Also, the exemption when the top four countries of origin for honey blends represent more than half of the honey, the remaining Countries of Origin can be listed without percentage.

These measures sit outside the proposed 2025 transposition legislation however, the FSA welcomes early views to inform any future policy exploration of these options.

Nature of the changes introduced by the EU Directive

The EU Directive introduces some new mandatory requirements for businesses.

The changes that fall under this category include the new country of origin labelling rules for blended honey, the removal of the designation ‘filtered honey’, the new compositional requirements for jams and the new designation of ‘citrus marmalade’.

Our current understanding is that the local production and supply of honey in Northern Ireland is mostly led by small producers, who primarily sell single-source honey as opposed to blends of different honey. The origin labelling changes introduced by this legislation do not impact single source honey. From engagement so far, the FSA is unaware of any producers who use the designation ‘filtered honey’. Where a change is required to the labelling of marmalade, it is hoped this can be done as part of routine labelling changes, however some businesses may need to change labelling specifically to be compliant for end of the transition period after 14 June 2026. However, the FSA believes that a number of producers may already label their products in line with new requirements.

Directive 2024/1438 also introduces increased flexibilities and opportunities for product innovation. The changes that fall under this category include the option to produce and label a reduced-sugar fruit juice, the option to label with the designation ‘coconut juice’ as well as ‘coconut water’ and permitting the statement “*fruit juices contain only naturally occurring sugars*” on the label. Sunflower seeds are also added as a permitted substance.

Jam, jelly and marmalade producers will be permitted to use concentrated fruit juice in production.

Producers will be permitted to produce a reduced lactose dehydrated milk. Producers will also be able to use the terms 'condensed milk' and 'evaporated milk' interchangeably.

These changes provide new product opportunities for businesses, with greater flexibility, opportunity for innovation and the possibility to market new products. Consumers could benefit from a wider product choice, should food businesses choose to avail of these options.

See [Annex A](#) for further information on the changes.

Future delegated acts

The European Commission, following feasibility studies, will propose delegated acts on improving honey authenticity and country of origin labelling for fruits used in the production of fruit juices and jams, jellies, marmalades and sweetened chestnut purée. The FSA will engage with stakeholders on any future delegated acts when more information becomes available.

Engagement and consultation process

The FSA engaged with stakeholders on the changes to the Breakfast Directives in August 2023 and in June 2024, seeking views on the amendments.

Feedback gained from this consultation will further inform the policy process when finalising the amendments to the Statutory Rules.

Questions asked in this consultation:

1. Please share your views, if any, on the proposed approach outlined in Option 2:

2. Please detail any potential impacts you feel that Option 2 may bring, that have not been identified within this consultation:

3. Do you foresee any enforcement issues with the proposal outlined in Option 2 or suggestions for alternative ways to enforce the new requirements? Do you believe extending the existing use of Improvement Notices is an effective and proportionate approach to enforce the new rules?

4. Do you have any further comments on the approach to the transposition or the enforcement approach to EU Directive 2024/1438?

5. Do you hold any views on whether the FSA should explore the future introduction of the discretionary national measures? We welcome initial insight into any challenges or benefits the optional measures may offer.

6. Please select the box that represents your interest in this consultation:

- I am a consumer:
- I am an organisation/ food business:

7. If you would like to discuss any aspect of this consultation with the FSA, please leave your contact details below:

Responses

Responses are required by 23:59 on Wednesday 14 May. Please state in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Please send response to executive.support@food.gov.uk or complete the [online form](#).

For information on how the FSA handles your personal data, please refer to the Consultation privacy notice at <https://www.food.gov.uk/about-us/privacy-notice-consultations>'.

GDPR

Please note that by submitting your comments, you agree to your data being used by the Food Standards Agency to inform our advice. If we share your feedback outside of the Food Standards Agency, we will do so in accordance with the applicable data protection regulations.

Protecting personal data

The FSA is fully committed to compliance with the [Data Protection Act 2018 and the General Data Protection Regulation](#) (opens in a new window) and ensuring that personal data is used lawfully, fairly and transparently. Data protection is of great importance to the FSA, not only because it is critical to the work of our organisation, but also because it ensures we protect individual privacy and maintain public confidence in the Agency.

Further information

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Annex A: Summary of amendments within EU Directive 2024/1438

2001/110/EC relating to Honey

Under current requirements, food businesses are required to list blends of honey as either *'blend of EC honeys,' 'blend of non-EC honeys,' 'blend of EC and non-EC honeys.'* Directive 2024/1438 amends labelling provisions of honey blends, requiring that all countries of origin must be indicated on the label in the principal field of vision and listed in descending order of weight, including their representing percentage of weight in the total product. A tolerance of 5% for each share is permitted.

Directive 2024/1438 further provides the option for Northern Ireland to implement in the future, national measures that permit food businesses to label percentages for only the four largest shares within the blend, providing those top four countries represent more than half of the total honey.

Other amendments include permitting the names of the countries of origin can be replaced with ISO alpha-2 country codes for <30g honey portions and omitting 'filtered honey' from the list of permitted definitions. In addition, before June 2029, following feasibility studies, the European Commission will publish delegated acts determining methods of analysis and criteria for a traceability system.

2001/112/EC relating to Fruit Juices

Directive 2024/1438 introduces three new fruit juice categories, aligning with Regulation (EC) 1924/2006 on nutrition and health claims made on foods, where at least 30% of the sugar has been reduced from an average type of fruit juice:

- *'Reduced-sugar fruit juice'*
- *'Reduced-sugar fruit juice from concentrate'*
- *'Concentrated reduced-sugar fruit juice'*

Directive 2024/1438 authorises the voluntary use of the term *'fruit juices contain only naturally occurring sugars'*, when authorised ingredients are used. Directive 2024/1438 further permits the term 'coconut water' alongside 'coconut juice' setting a minimum Brix level (a measure of sugar content) and also adds sunflower seeds to the list of authorised treatments and substances.

2001/113/EC relating to Jams, Jellies & Marmalades

Directive 2024/1438 increases the minimum fruit content for 'jam' from 350g of fruit per 1000g of finished product to 450g (100g increase); and increases the minimum fruit content for 'extra jam' or 'extra jelly' from 450g of fruit per 1000g of finished product, to 500g (50g increase). The aim of the increase is to reduce the amount of added sugar needed to reach the minimum content of soluble dry matter (60%) in those products.

Directive 2024/1438 also permits the use of *concentrated* citrus fruit juice alongside currently permitted fruit juice, as an acidifying agent in jam, extra jam, jelly, and extra jelly. Directive 2024/1438 amends the current definition 'marmalade' to 'citrus marmalade'. Other permitted terms include '(*name of citrus fruit*) marmalade' or 'mixed fruits marmalade', where only citrus fruits are used.

Directive 2024/1438 further provides the option for Northern Ireland to implement in the future, national measures permitting that the term 'marmalade' can be used interchangeably with 'jam', when referring to jams from fruits other than citrus fruits. Directive 2024/1438 adds reference to (EU) 1169/2011 Food Information to Consumers and removes the specific provision on sugar labelling.

2001/114/EC relating to Dehydrated Preserved Milk

Directive 2024/1438 authorises the use of a new treatment, enabling food businesses the option to produce lactose-free dehydrated milk products. Directive 2024/1438 also lowers the minimum levels of milk solids and fats for evaporated milk, aligning with international standards. This means that the terms 'evaporated milk' and 'condensed milk' can be used interchangeably.

End of Annex A.