

Proposed Domestic Regulations to Implement Regulation (EU) 2018/775 on the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

Summary of stakeholder responses

15 July 2020

Introduction

This consultation was issued on 27 January 2020 and closed on 23 February 2020.

The purpose of this consultation was to seek comments from industry, enforcement authorities, consumers and other interested stakeholders on a proposed Statutory Rule that will provide for enforcement for Implementing Regulation (EU) 2018/775 on the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the issues considered.

The key proposals on which the consultation sought views were:

- Do you agree with the introduction of the proposed Statutory Rule to provide enforcement provisions for Implementing Regulation (EU) No 2018/775?
- Do you agree that the new rules should be enforced by means of 'Improvement Notices' backed up, where necessary and in the case of failure to comply, by criminal offences? If not, what alternative enforcement options would you suggest, and why?
- Do you agree that the enforcement approach, given that the IR itself is directly applicable in the UK, is the least burdensome approach necessary to properly implement the IR? If not, how would your suggested approach result in reduced burdens, while remaining effective in implementing the EU Regulation?

The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table.

A list of stakeholders who responded can be found at the end of the document.

Summary of substantive comments

1. Do you agree with the introduction of the proposed Statutory Rule to provide enforcement provisions for Implementing Regulation (EU) No 2018/775?

Respondent: Dairy Council (NI)

Comment	Response
Dairy Council expressed concerns around enforcement at this stage, due to the impact of the NI/Ireland Protocol on labelling, in relation to 1) costs/waste and the potential need to change packaging twice to comply with implementation of the protocol 2) uncertainty around required labelling for products sold on the EU Single Market 3) a need for clarification on how geographical indications and trade marks will be implemented	The concerns raised were noted. However, as this SR was to provide enforcement for EU wide directly applicable legislation, bringing in the legislation was a requirement throughout the EU. It applied throughout the EU on 1st April 2020, therefore the FSA was required to provide enforcement by April 1st.

Respondent: Northern Ireland Food Managers Group

Comment	Response
Agree with the introduction of the proposed Statutory Rule.	Noted

Respondent: Farmers for Action (UK) NI

Comment	Response
Agree with the introduction of the proposed Statutory Rule.	Noted

Respondent: Individual Response – Organisation Unknown

Comment	Response
Agree with the introduction of the proposed Statutory Rule.	Noted

2. Do you agree that the new rules should be enforced by means of 'Improvement Notices' backed up, where necessary and in the case of failure to comply, by criminal offences? If not, what alternative enforcement options would you suggest, and why?

Respondent: Dairy Council (NI)

Comment	Response
Agree that, provided the points made in response to first question are taken into account, then Improvement Notices would be acceptable.	Noted

Respondent: Northern Ireland Food Managers Group

Comment	Response
NIFMG agree that the new rules should be enforced by the use of Improvement Notices and backed up by criminal offences in the event of non-compliance	Noted

Respondent: Farmers for Action (UK) NI

Comment	Response
FFA shared their opinion that separation was needed between small and large businesses in relation to the issuing of fines and penalties.	Noted

Respondent: Individual Response – Organisation Unknown

Comment	Response
Agree that the new rules should be enforced by the use of Improvement Notices and backed up by criminal offences in the event of non-compliance	Noted

3. Do you agree that the enforcement approach, given that the IR itself is directly applicable in the UK, is the least burdensome approach necessary to properly implement the IR? If not, how would your suggested approach result in reduced burdens, while remaining effective in implementing the EU Regulation?

Respondent: Dairy Council (NI)

Comment	Response
Agree that an 'Improvement Approach' is acceptable, once details of the implementation of the Protocol are known.	Noted

Respondent: Northern Ireland Food Managers Group

Comment	Response
NIFMG agree that the proposed enforcement approach is the least burdensome approach.	Noted

Respondent: Farmers for Action (UK) NI

Comment	Response
Yes, FFA view the least burdensome approach as an enforced requirement for clear minimum sized easy-to-read labelling of processed food products content and country of origin.	Noted

Respondent: Individual Response – Organisation Unknown

Comment	Response
Agree that the proposed enforcement approach is the least burdensome approach.	Noted

*One further respondent (NIAPA) provided a detailed response, highlighting the importance of clear and concise labelling and agreeing that few direct impacts on businesses are anticipated.

Actions to be implemented

The FSA in NI has reviewed all responses. While one response suggested this was not an appropriate time to draft this legislation, it is an EU requirement for member states to provide enforcement for directly applicable provisions. Therefore, the FSA in NI proceeded with this legislation in Northern Ireland, which provides enforcement provisions for Implementing Regulation (EU) 2018/775 from April 1 2020.

List of respondents

1. Dairy Council NI
2. Northern Ireland Food Managers Group (NIFMG)
3. Farmers for Action (UK) NI (FFA)
4. Anon.
5. Northern Ireland Agricultural Products' Association (NIAPA)